Lehi City Council Meeting
Agenda
February 14, 2023

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

Regular Session, 5:30 p.m.

1. Welcome, Roll Call, Pledge of Allegiance

2. 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.)

3. Consent Agenda

   3.1. Approve Minutes from the January 24, 2023 City Council Meeting.
   012423CC.pdf

   3.2. Approve Purchase Orders
   PO Index.pdf
   PO #7410.pdf

Regular Agenda

4. Consideration of Ordinance #17-2023 granting an electric utility franchise and general utility easement to Rocky Mountain Power.
   Petitioner: Lehi City and Rocky Mountain Power
   Ord 17-2023 Utah Franchise Agreement -Lehi City 2023.pdf

5. Consideration of Ordinance #11-2023 approving the Skye East Zone Change on 109-acres of property located at approximately 4800 North 1800 East changing the zoning from TH-5 (transitional holding) to Planned Community (PC) in the already approved Skye Area Plan.
   Petitioner: DR Horton
   CC Staff Report Skye East Zone Change 02.14.23.docx
   Skye East Zone Change DRC 01.04.23.docx
   Ord 11-2023.docx
   narrative and map.pdf
   Aerial Map.pdf

General Plan-Area Plan Map.pdf
Zoning Map.pdf

6. Skye Substation Grading Permit
   a. Public Hearing
   b. Consideration of granting a Grading Permit for the Skye Substation on 12.02-acres of property located northwest of Horton Way.

   Petitioner: DR Horton
   CC Staff Report Skye Substation Grading 02.14.23.docx
   Skye Substation Grading Permit DRC 01.04.23.docx
   Skye Substation grading narrative.pdf
   Skye Substation Grading updated plans.pdf
   Aerial Map.pdf
   Zoning Map.pdf
   General Plan Map.pdf

7. Consideration of Ordinance #12-2023, approving a Holbrook Farms Area Plan Amendment changing the land use map and changing the location of residential units located at approximately Hudson Way and Redwood Road.
   Petitioner: Ivory Development
   CC Staff Report Holbrook Farms Area Plan 02.14.23.docx
   Holbrook Farms Area Plan Amendment DRC 11.30.22 .docx
   Ord 12-2023.docx
   Holbrook Farms Area Plan Amendment Narrative.pdf
   Holbrook Land Use Map Amendment Updated 11.30.22.pdf
   Aerial map.pdf
   General Plan.pdf
   Zoning map.pdf

8. Consideration of Ordinance #13-2023, approving the Mammoth Zone Change on 1.95-acres located at approximately at 26 South 2300 West changing the zoning from TH-5 (transitional holding) to Commercial.
   Petitioner: Mammoth Holdings
   CC Staff Report Wiggy Wash Zone Change 02.14.23.docx
   Mammoth Zone Change DRC 02.16.22.docx
   Ord 13-2023.docx
   Mammoth Car Wash Zone Change - narrative.pdf
   Wiggy Wash Concept Resubmittal 1.4.23.pdf
   Zone change map.pdf
   Aerial.pdf
   General plan map.pdf

9. Consideration of Resolution #2023-08, approving a Development Agreement for the Good and the Beautiful development located at approximately 700 South Mill Pond Road.
   Petitioner: Daniel Phillips
   Res 2023-08.docx
   Development Agreement-Good and the Beautiful.docx

10. Consideration of Ordinance #14-2023, approving the Good and Beautiful Zone Change on 9-acres located at approximately 700 South Mill Pond Road, changing the zoning from Commercial & A-5 (agriculture) to Mixed Use.
    Petitioner: Daniel Phillips
    CC Staff Report The Good and the Beautiful Zone Change 02.14.23.docx
    Good and the Beautiful Zone Change DRC 12.7.22.docx
    Ord 14-2023.docx
    Good and the Beautiful Zone Change 12.07.22.pdf
    Good and Beautiful Aerial.pdf
    Good and Beautiful GP.pdf
    Good and Beautiful Zoning.pdf

11. Consideration of Final subdivision approval for the Bushman Subdivision, a 21-lot residential development located at 1610 West 700 South in a R-1-Flex zone.
    Petitioner: JDH Development
    CC Staff Report Bushman Final Subdivision 02.14.23.docx
    Bushman Subdivision DRC 2.1.23.docx
    Bushman Final Subdivision 02.01.23.pdf
    Bushman Aerial.pdf
    Bushman GP.pdf
    Bushman Zoning.pdf

12. Consideration of Resolution #09-2023, approving a Development Agreement to allow Family Support Center as an allowed use on property located at 322 North 2375 West.
    Petitioner: Family Haven
    Res 2023-09.docx
    CC Staff Report Family Haven Development Agreement 02.14.23.docx
    Development Agreement-Family Haven 02.09.23.docx
    Parking Lot Exhibit.pdf
    Lehi City Council Cover Letter.docx

13. Consideration of Ordinance #15-2023 a Development Code Amendment to Chapter 3 and a Municipal Code Amendment, removing redundant language and changing the number of Planning Commissioners from seven to five.
    Petitioner: Lehi City
    CC Staff Report Chapter 3 Development Code Amendment- PC Structure 02.14.23.docx
    Chapter 3 & Municipal Code Amendment DRC 01.11.23.docx

Ord 15-2023.docx
Planning Commission Structure Code Amendments 01.11.23.pdf

14. Consideration of Ordinance #16-2023 a Development Code Amendment to Chapter 35, adding standards for water efficient landscape requirements.
    Petitioner: Lehi City
    CC Staff Report Ch 35 Waterwise Landscaping Dev Code Amendment 02.14.23.docx
    Ord 16-2023.docx
    Commissioner Bunker's Flip the Strip Info.pdf
    Water Efficent Landscape Standards - Draft 01.24.23.pdf
    Water Efficient Landscape DRC 11.30.22.docx

15. Consideration of Resolution #2023-10 approving an architect for the new City Hall and Library Building.
    Petitioner: Lehi City

16. 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.

Agenda Item No: 3.1

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Teisha WIlson
Submitting Department:
Item Type: Action Item
Agenda Section: Consent Agenda

Subject:
Approve Minutes from the January 24, 2023 City Council Meeting.

Suggested Action:

Attachments:

012423CC.pdf

153 North 100 East
Lehi, UT 84043
(801) 768-7100

Minutes of the **Pre Council and Regular Session** of the **Lehi City Council** held Tuesday, **January 24, 2023,** at Lehi City in the Council Chamber, 153 N 100 E. Lehi, UT.

Members Present: Mark Johnson, Mayor
Chris Condie, Council Member
Paul Hancock, Council Member
Katie Koivisto, Council Member
Mike Southwick, Council Member

Excused: Paige Albrecht, Council Member

Others Present: Jason Walker, City Administrator; Ryan Wood, City Attorney; Lorin Powell, City Engineer; Kim Struthers, Planning Director; Dean Lundell, Finance Director; Andy Gowans, Management Analyst; and Teisha Wilson, City Recorder.

Pre Council, 5:30 p.m.

1. Welcome and Opening Comment

Mayor Johnson welcomed everyone and noted that all Councilmembers were present, except for Councilor Albrecht who is excused. Councilor Condie gave the opening comment.

2. Select a Mayor Pro Tempore

Councilor Koivisto and Councilor Hancock were nominated for Mayor Pro Tempore. Mayor Johnson asked for a secret ballot vote and participated in the voting. Council Hancock received 3 votes; Council Koivisto received 2 votes. Councilor Hancock was elected to Mayor Pro Tempore.

3. Presentations and Reports

3.1 Presentation and Update from Texas Instruments

Virginia Martinez Schaefer was there of behalf of Texas Instruments. She stated that Lehi is being considered as a location to construct their next manufacture facility. It would be an 11-billion-dollar capital investment which would be the largest capital investment in Utah history. If Lehi is selected, it would create over 800 new jobs and they would continue to invest in the current facility that was formally Micron. She stated that they intend to break ground on a location by the end of the year.

3.2 Presentation and Discussion of the John Haws Presidential Campaigns Collection

Jannette Haws presented her late husband's presidential campaigns collection. She stated that these items teach a history of the Presidents of our country. She said that it was John's dream to have this collection donated to the city of Lehi, a city that he served all his life. The City plans to partner with the Lehi Archives to display the collection.

The Environmental Sustainability Committee Update was heard next.

DRAFT

3.4 Environmental Sustainability Committee Update and Report- Todd Munger.
Todd Munger and Susan Wilson gave the Council and update on what they've done in the past year. Mr. Munger stated that they have an extensive network of committees and coalitions that they work with to understand policy and grant money that may be available. They received a $25,000 grant to mitigate phragmites around the Jordan River. They continue to work with schools on their no-idling campaign to educated students and parents. They also organized an electronic waste collection drive for recycling. They also partnered with the Hutchings Museum on the monarch butterfly restoration project. The Committee is conducting a survey to better understand what residents expect of the committee and learn ways to help educate. They also promoted the Jordan River and participated in community events and activities.

3.3 Presentation of the Audit Report- Finance Department
Dean Lundell stated that they recently completed an outside audit of the City's financial statements. Ian Robbins presented the audit report. He stated that they have a clean audit report with no findings.

4. Agenda Questions
None.

5. Administrative Report
Mr. Walker stated that staff are watching the Legislative session for bills that could impact Lehi.

6. Mayor and Council Reports
The Mayor and Council reported on their assigned committees.

Regular Session, 7:00 p.m.

1. Welcome, Roll Call, Pledge of Allegiance
Mayor Johnson welcomed everyone and noted that all Councilmembers were present, except for Councilor Albrecht who is excused. Councilor Hancock led the Pledge of Allegiance.

2. 20 Minute Citizen Input
Lehi City Crossing Guards expressed concerns with safety during school drop off and pick up and asked for help with educating residents.

Daniella Larson, with the Hutchings Museum, stated that she was in support of TI locating in Lehi and stated that they are a great community partner.

3. Consent Agenda
3.1) Approve Minutes from the January 10, 2023 City Council meeting.

3.2) Approve Purchase Orders

3.3) Approve Ordinance #08-2023 re-approving the Salomon Annexation

3.4) Approve amendments to the Planning Commission By-Laws

DRAFT

3.5) Approve Surplus Items

Motion: Councilor Koivisto moved to approve the consent agenda items. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Absent; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed with 4 in favor and 1 absent.

4. Consideration of Resolution #2023-06 approving an agreement with Holbrook Town Investment and The Townhomes at Holbrook Farms Homeowners Association for maintenance of a dog park.

Steve Marchbanks presented the agreement.

Motion: Councilor Koivisto moved to approve Resolution #2023-06 approving an agreement with Holbrook Town Investment and The Townhomes at Holbrook Farms Homeowners Association for maintenance of a dog park. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Absent; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed with 4 in favor and 1 absent.

5. Consideration of Ordinance #09-2023 amending Title 3 Chapter 2, Planning Commission, of the Lehi City Municipal Code.

Kim Struthers stated that they discussed this at a previous meeting. He said that this reduces the number of Commissioners. If there's a reason to remove a member, then it would be done with the consent of the City Council. Mr. Struthers stated that the alternates would no longer sit on the dais, but they would still be paid for being there. The Council agreed that the expectation is that the alternates attend all the Planning Commission meetings.

Mayor Johnson asked for public comment.

Michelle Stallings was concerned with reducing the number of commissioners and disagreed with being able to arbitrarily dismiss a Commissioner without cause.

Councilor Koivisto and Condie expressed concerns with being able to dismiss members without cause. There was discussion about amending the verbiage to exclude "without cause", so it would state that the Mayor may remove a member of the Commission with the advice and consent of the City Council.

Councilor Koivisto stated that she still has the same concerns.

It was suggested that the Planning Commissioners be required to take an Oath of Office.

Motion: Councilor Hancock moved to approve #09-2023 amending Title 3 Chapter 2, Planning Commission, of the Lehi City Municipal Code, and include that the Oath of Office to uphold the Constitution be administered by the Chair. Councilor Southwick seconded the motion.

Councilor Condie asked about removing the "without cause" statement. Councilor Hancock stated that it won't change the meaning, so he prefers to leave it as is.

Roll Call Vote: Councilor Albrecht, Absent; Councilor Condie, No; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed with 4 in favor, 1 opposed and 1 absent.

Motion: Councilor Condie moved to adjourn into a Redevelopment Agenda Meeting. Councilor Hancock seconded the motion.

Roll Call Vote: Councilor Albrecht, Absent; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed with 4 in favor and 1 absent.

The meeting adjourned at approximately 7:45 p.m.
The meeting reconvened at approximately 8:40 p.m.

6. Consideration of Ordinance #10-2023 adopting the Alpine Highway Economic Development Project Area Plan as approved by the Redevelopment Agency of Lehi City as the official Economic Development Project Area Plan for the Project Area, and directing that notice of the adoption be given as required by statute.

Motion: Councilor Condie moved to approve Ordinance #10-2023 adopting the Alpine Highway Economic Development Project Area Plan as approved by the Redevelopment Agency of Lehi City as the official Economic Development Project Area Plan for the Project Area, and directing that notice of the adoption be given as required by statute. Councilor Koivisto seconded the motion.

Roll Call Vote: Councilor Albrecht, Absent; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed with 4 in favor and 1 absent.

7. Consideration of Resolution #2023-07 approving an Interlocal Agreement between the Lehi City Redevelopment Agency and Lehi City regarding the Alpine Highway Economic Development Project Area.

Mr. Struthers stated that this agreement allows for the day care and equestrian use, instead of changing the land use designation. Matthew Jorgenson was representing the applicant.

Motion: Councilor Condie moved to approve Resolution #2023-07 approving an Interlocal Agreement between the Lehi City Redevelopment Agency and Lehi City regarding

the Alpine Highway Economic Development Project Area. Councilor Southwick seconded the motion.

Roll Call Vote: Councilor Albrecht, Absent; Councilor Condie, Yes; Councilor Hancock, Yes; Councilor Koivisto, Yes; and Councilor Southwick, Yes. The motion passed with 4 in favor and 1 absent.

8. Adjournment

With no further business to come before the City Council at this time, Councilor Condie moved to adjourn the meeting. Councilor Hancock seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:45 p.m.

Approved: February 14, 2023 Attest:

_____ _____

Mark Johnson, Mayor Teisha Wilson, City Recorder

DRAFT

Agenda Item No: 3.2

City Council Agenda Item Report

Meeting Date: February 14, 2023
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 #7410.pdf

LEHI CITY
CITY COUNCIL AGENDA
February 14, 2023

Consent Agenda: Approval of Purchase Orders

INFORMATION:

Company	Description	P O Amount	Budget Balance (before PO)
H2J Liners, LLC	Material to finish the lower Holbrook 30 acre feet reservoir	$127,035.47	$990,861.00

PURCHASE ORDER

LEHI CITY CORPORATION

153 NORTH 100 EAST
LEHI UT 84043

THIS ORDER NUMBER MUST APPEAR ON YOUR INVOICE

7410

1771

ISSUED TO: H2J LINERS LLC
11450 US HWY 380

CROSS ROADS UT 76227-8243

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

DEPARTMENT:

PURCHASE ORDER DATE: 02/13/2023

REQ #	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL	GL ACCOUNT
0	1.00	MATERIALS NEEDED TO FINISH LOWER HOLBROOK 30 ACRE R	127,035.47	127,035.47	75-50-19-001

TOTAL 127,035.47

Authorized By:

Department Head

City Council Approval Date *

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

Mayor or City Administrator

LEHI CITY PURCHASE REQUISITION REQUEST

Supplier

Name H2J Liners, LLC
Street 51 W. Center St. #603
City Orem **State** UT
Zip 84057 **Phone** 801-369-7222

Vendor _____

Dean Lundell 6-Feb-2023

75-50-19-001

Requesting Department | **Department Account Numbers** | **Department Head Signature**

Quantity	Unit	Materials and Description	Price	Total
130,611	Sq. Ft.	60 Mil LLDPE Smooth - 10 rolls	$0.43	$56,162.73
52,717.2	Sq. Ft.	60 Mil LLDPE One Side Textured - 4 rolls	$0.45	$23,722.74
2	Trucks	Freight on Liner	$7,250.00	$14,500.00
180,000	Sq. Ft.	8 oz. Non woven Geotextile Fabric - 40 rolls	$0.165	$29,700.00
1		Freight on Fabric	$2,950.00	$2,950.00
				$127,035.47

JUSTIFICATION:

These materials are needed to finish the lower Holbrook 30 acre feet reservoir. In order to be more cost-effective, Lehi City is purchasing these materials separate from other contract work that will need to be done. H2J Liners is the only vendor in our region that sells these materials and is licensed to install.

Price Determination	
Verbal Quote	
Informal Bid	
Written Bid	x
State Bid	
Other	

H2J Liners LLC

51 W. Center Street #603
Orem, Utah 84057

801 592-6325 Matt Johnson
801 369-7222 Office
h2jliners@gmail.com
h2jpauls@gmail.com

Date	Bid #
2/2/2023	6522

Bill To

Lehi City
153 North 100 East
Lehi, Ut. 84043

Ship To

Saratoga Springs
Lower Holbrook Pond

Quantity	Description	Price Each	Amount
	Materials Only		
130,611	Sq. Ft. 60 Mil LLDPE Smooth 19.7'x663' 10 Rolls 13,061.1SF/Roll	0.43	56,162.73
52,717.2	Sq. Ft. 60 Mil LLDPE One Side Textured 19.7'x669' 4 Rolls 13,179.3SF/Roll	0.45	23,722.74
2	Trucks Freight on Liner	7,250.00	14,500.00
180,000	Sq. Ft. 8 oz. Non woven Geotextile Fabric 15' X 300' 40 Rolls	0.165	29,700.00
1	Freight on Fabric	2,950.00	2,950.00
		Total	$127,035.47

Agenda Item No: 4

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Teisha WIlson
Submitting Department:
Item Type: Ordinance
Agenda Section: Regular Agenda

Subject:
Consideration of Ordinance #17-2023 granting an electric utility franchise and general utility easement to Rocky Mountain Power.

Suggested Action:

Attachments:

Ord 17-2023 Utah Franchise Agreement -Lehi City 2023.pdf

AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Lehi City (the "City") and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City;

WHEREAS, the City, pursuant to the provisions of Utah Code Ann. § 10-8-21 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the City desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the City;

NOW, THEREFORE, be it ordained by the City:

SECTION 1. Grant of Franchise and General Utility Easement. The City hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, and rights-of-way, not including City parks, buildings or other spaces not associated with City-owned rights-of-way (collectively referred to herein as "Public Ways") within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof.

SECTION 2. Term. The term of this Franchise and General Utility Easement is for Ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by Company. Within sixty (60) days after the passage of this ordinance by the City, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the City Recorder otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences; provided, however, that such use shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

SECTION 5. City Regulatory Authority. In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or City Ordinance.

SECTION 6. Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Notice of Annexation. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center
Attn: Annexations
P.O. Box 400

Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power
Attn: Office of the General Counsel
1407 West North Temple, Room 320
Salt Lake City, UT 84116

SECTION 8. Plan, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the Public Ways, apply for any permit from the City as may be required by the City's ordinances, which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 The City shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety

hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the City of such work by written notice and shall allow the City, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the City shall give written notice to Rocky Mountain Power.

SECTION 9. <u>Relocations of Electric Facilities</u>.

9.1 The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City.
The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

9.2 Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

SECTION 10. <u>Subdivision Plat Notification</u>. Before the City approves any new subdivision and before recordation of the plat, the City shall obtain Rocky Mountain Power's approval of

Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. A copy of the plat shall be mailed for approval to Rocky Mountain Power:

Rocky Mountain Power
Attn: Estimating Department
70 North 200 East
American Fork, UT 84003

SECTION 11. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the City either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 13. No Waiver. Neither the City nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 14. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage. pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

SECTION 15. Amendment. At any time during the term of this Franchise, the City through its City Council, or Rocky Mountain Power may propose amendments to this Franchise by giving

thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

SECTION 16. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Regional Business Management Director, Rocky Mountain Power, 1438 West 2550 South, Ogden, Utah, 84401, and such other office as Rocky Mountain Power may advise the City of by written notice.

SECTION 17. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 18. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

PASSED by the City Council of the City of _____, Utah this ____ day of _____, 2023.

MAYOR

_____

ATTEST:

_____

CITY RECORDER

Agenda Item No: 5

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Brittney Harris
Submitting Department: Planning Division
Item Type: Ordinance
Agenda Section: Regular Agenda

Subject:
Consideration of Ordinance #11-2023 approving the Skye East Zone Change on 109-acres of property located at approximately 4800 North 1800 East changing the zoning from TH-5 (transitional holding) to Planned Community (PC) in the already approved Skye Area Plan.

Suggested Action:

Attachments:

CC Staff Report Skye East Zone Change 02.14.23.docx

Skye East Zone Change DRC 01.04.23.docx

Ord 11-2023.docx

narrative and map.pdf

Aerial Map.pdf

General Plan-Area Plan Map.pdf

Zoning Map.pdf

SKYE EAST ZONE CHANGE
CITY COUNCIL REPORT

Applicant	DR Horton		
Meeting Date	February 14, 2023		
Requested Action/Purpose	Approval of a proposed zone change		
Location	Approximately 4800 North and Suncrest Drive		
Acreage	Approximately 109 acres		
Existing Zoning	None		
Existing General Plan Land Use Designation	Medium Density Residential, Low Density Residential, Very Low Density Residential, Open Space, Public Facility		
Proposed Zoning Designation	Planned Community (PC)		
Existing Land Use	Undeveloped		
Adjacent Zoning and Land Use	*North*	TH-5	Undeveloped Future Skye Area Plan
	South	PC	Undeveloped
	East	Highland	Single Family Homes
	West	TH-5	Undeveloped Future Skye Area Plan
Date of DRC Review	January 4, 2023		
Date of Planning Commission Review	January 26, 2023		
Assigned Planner	Brittney Harris		

REQUIRED ACTION

Planning Commission	Public hearing, review, and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

From 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.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

STRONG COMMUNITIES Establish strong communities where residents have opportunities for meaningful social connections and support systems.

Strategy 2 Develop neighborhoods that allow for social interactions.

Strategy 4 Create neighborhood plans that capture the unique characteristics of different neighborhoods and allow the residents to actively participate in the future of their neighborhood.

RESIDENTIAL DEVELOPMENT Accommodate a range of housing and neighborhood types suitable for a variety of lifestyles, ages, affordability levels, and design options.

Strategy 1 Residential developments should integrate a range of housing designs and architectural features.

PROPERTY HISTORY

April 8, 2022	Property came into the City as the Micron East Annexation
August 23, 2022	City Council approved the Skye Area Plan providing land use designations on this property.

REPORT ANALYSIS

The applicant requests approval of the Skye East Zone Change from Transitional Holding (TH-5) to Planned Community (PC). This area was already included in the adopted Skye Area Plan and should have been rezoned at that time to Planned Community. The applicant and staff noticed that it had not been changed. This application will change the zoning to Planned Community in accordance with the approved Skye Area Plan Land Use Map.

The DRC had one redline comment related to the water dedication:

1. Water will need to be dedicated for this property as it was not included in the original area plan. Staff and DR Horton will evaluate the water that has already been dedicated and the remaining requirement.

The required water dedication has still not been determined.

POSSIBLE MOTIONS AND FINDINGS

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

1. The proposed zone change is in accordance with the approved Skye Area Plan and General Plan Land Use designations.
2. The proposed zone change complies/does not comply with the goals and policies of the General Plan.
3. The effect of the proposed amendment on the character of the surrounding area;
4. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
5. The overall community benefit of the proposed amendment.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed zone change on January 26, 2023. The minutes and motion from that meeting follow.

2.4) Public hearing and recommendation of DR Horton's request for review of the Skye East Zone Change on

109-acres of property located at approximately 4800 North 1800 East changing the zoning from TH-5 (transitional holding) to Planned Community (PC) in the already approved Skye Area Plan.
Jacob Curtis presented information on the agenda item.

Jeff Stephenson was present with DR Horton. They have dedicated a large amount of water and need to finalize with Lorin Powell and Kim Struthers.

Commission Chair Newall opened the public hearing.

Commission Chair Newall closed the public hearing.

> **Motion:** Commissioner Jackson moved to recommend approval of **DR Horton's request for review of the Skye East Zone Change on 109-acres of property located at approximately 4800 North 1800 East changing the zoning from TH-5 (transitional holding) to Planned Community (PC) in the already approved Skye Area Plan,** including all DRC comments and findings stated in the report. Commissioner Bunker seconded.
>
> **Vote:** Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

Skye East Zone Change
DRC Redline Comments

DR Horton- requests review of the Skye East Zone Change, changing 109-acres of property from TH-5 to Planned Community (PC) in the already approved Skye Area Plan.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Jacob Hernandez, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer, Brittney Harris
Representatives of the Applicant Present: Scott Bishop, Jeff Stephenson, Ben Tuckett
Date of Plans Reviewed: 12/19/22
Time Start: 3:17pm
Time End: 3:23pm

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire: No comments
Ryan – Water/Sewer: No comments
Trent – Parks: No comments
Gary – Building/Inspections: No comments
Jacob– Public Works: No comments
Ross – Engineering: No comments
Kim – Planning:
1. Water will need to be dedicated for this property as it was not included in the original area plan. Staff and DR Horton will evaluate the water that has already been dedicated and the remaining requirement.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON JANUARY 26TH AND NEEDS ENVELOPES

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: 11-2023

AN ORDINANCE APPROVING A ZONE DISTRICT DESIGNATION AMENDMENT AND ZONING DISTRICT MAP AMENDMENT LOCATED AT APPROXIMATELY 4800 NORTH AND SUNCREST DRIVE

WHEREAS, DR Horton, owner of property located at approximately 4800 North and Suncrest Drive 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 Planned Community (PC); and

WHEREAS, following a public hearing on January 26, 2023, the Lehi City Planning Commission reviewed the proposed Zoning District Designation and Zoning District Map amendment and provided a positive recommendation to the City Council on the proposed amendment; and

WHEREAS, on February 14, 2023, 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 26, 2023; 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 property described on Exhibit "A" are hereby amended to Planned Community (PC).

PART II:

A. If a provision of this Ordinance -2023 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 14th day of February 2023.

ATTEST

_____	_____
Mark Johnson, Mayor	Teisha Wilson, City Recorder

EXHIBIT “A”

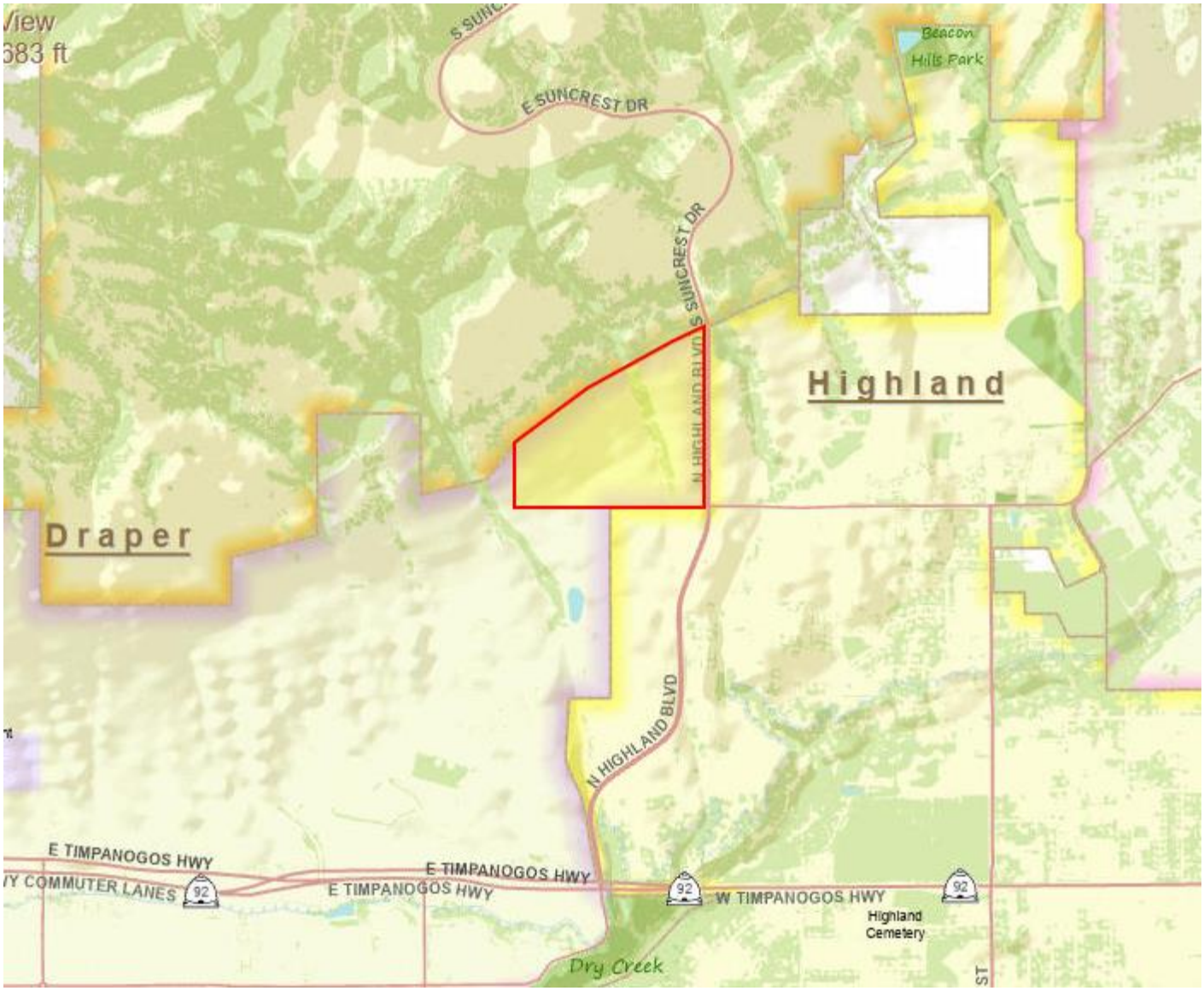
SKYE EAST ZONE CHANGE LEGAL DESCRIPTION

COM S 89 DEG 52' 49" W 767.13 FT FR N 1/4 COR. SEC. 27, T4S, R1E, SLB&M.; N 52 DEG 59' 59" E 571.97 FT; N 61 DEG 41' 9" E 1340.23 FT; N 65 DEG 47' 28" E 501.93 FT; S 0 DEG 10' 12" W 1181.39 FT; S 0 DEG 6' 4" W 1328.22 FT; S 89 DEG 50' 0" W 1322.54 FT; S 89 DEG 49' 58" W 1322.83 FT; N 0 DEG 0' 13" E 912.67 FT; N 53 DEG 2' 15" E 696.69 FT TO BEG. AREA 109.059 AC.

To Lehi City

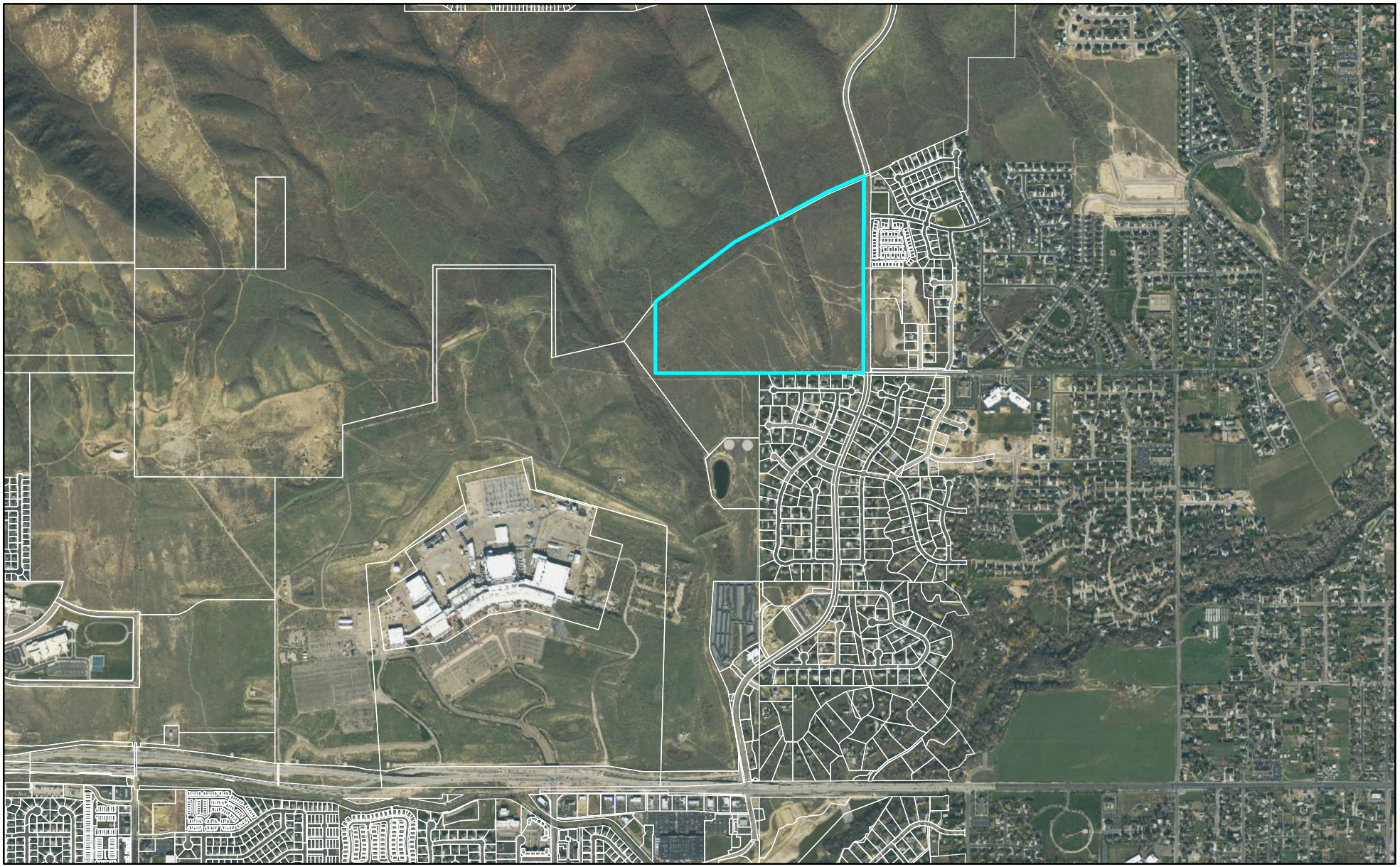
Re: Narrative -Request for Rezone : Skye, parcel 11:023:0018

This is a request for a rezone for the following parcel 11:023:0018. The property is approximately 109 acres. Previously this parcel was located in unincorporated Utah County. In 2022 the property was annexed into Lehi under the TH-5 (holding zoning). DR Horton is the owner of the property and is now ready to rezone the property. The property will also be included in the 2nd area plan amendment for the Skye area plan. The property is outlined in red below.



Skye East Zone Change

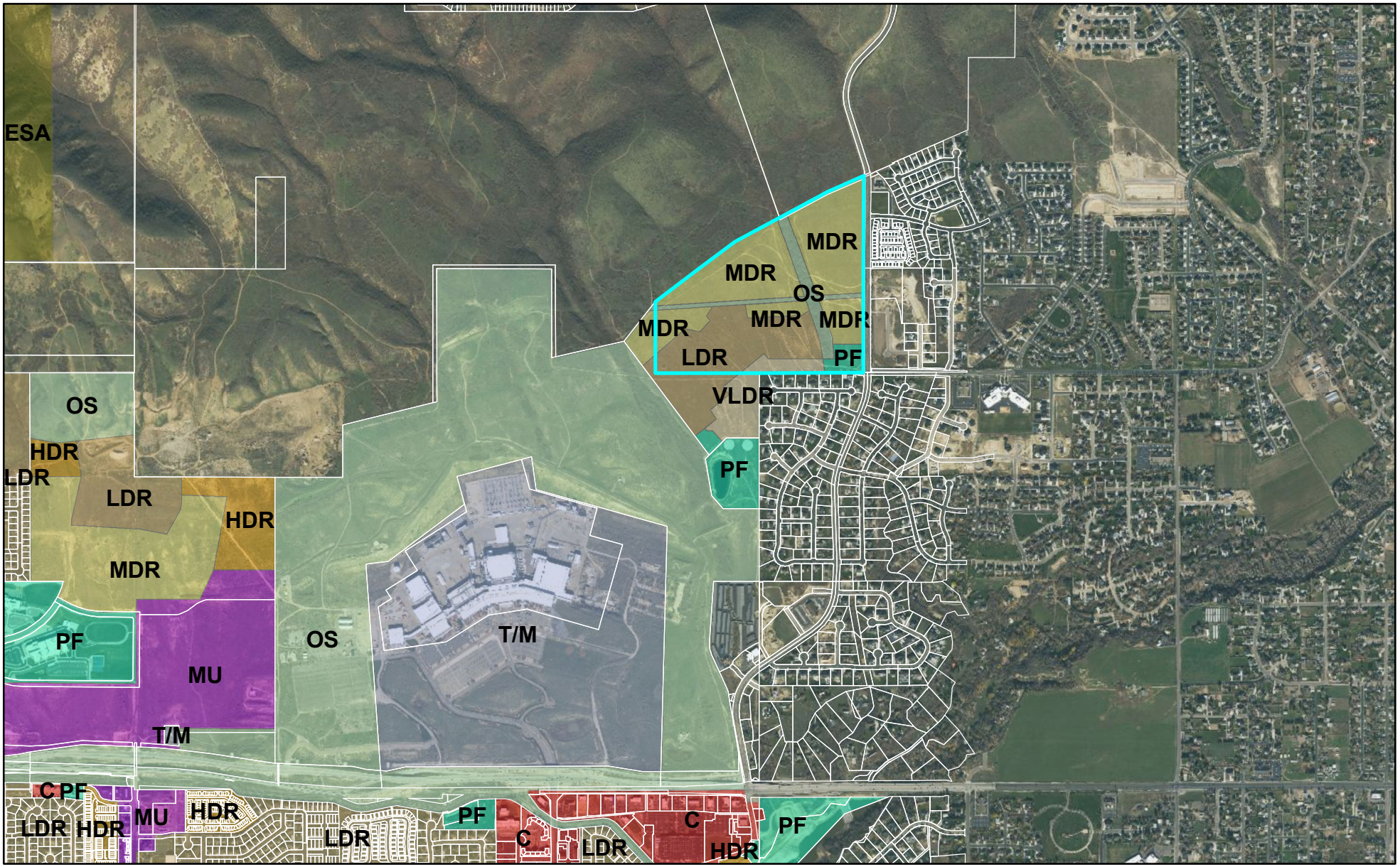
Aerial



LEHI CITY

Skye East Zone Change

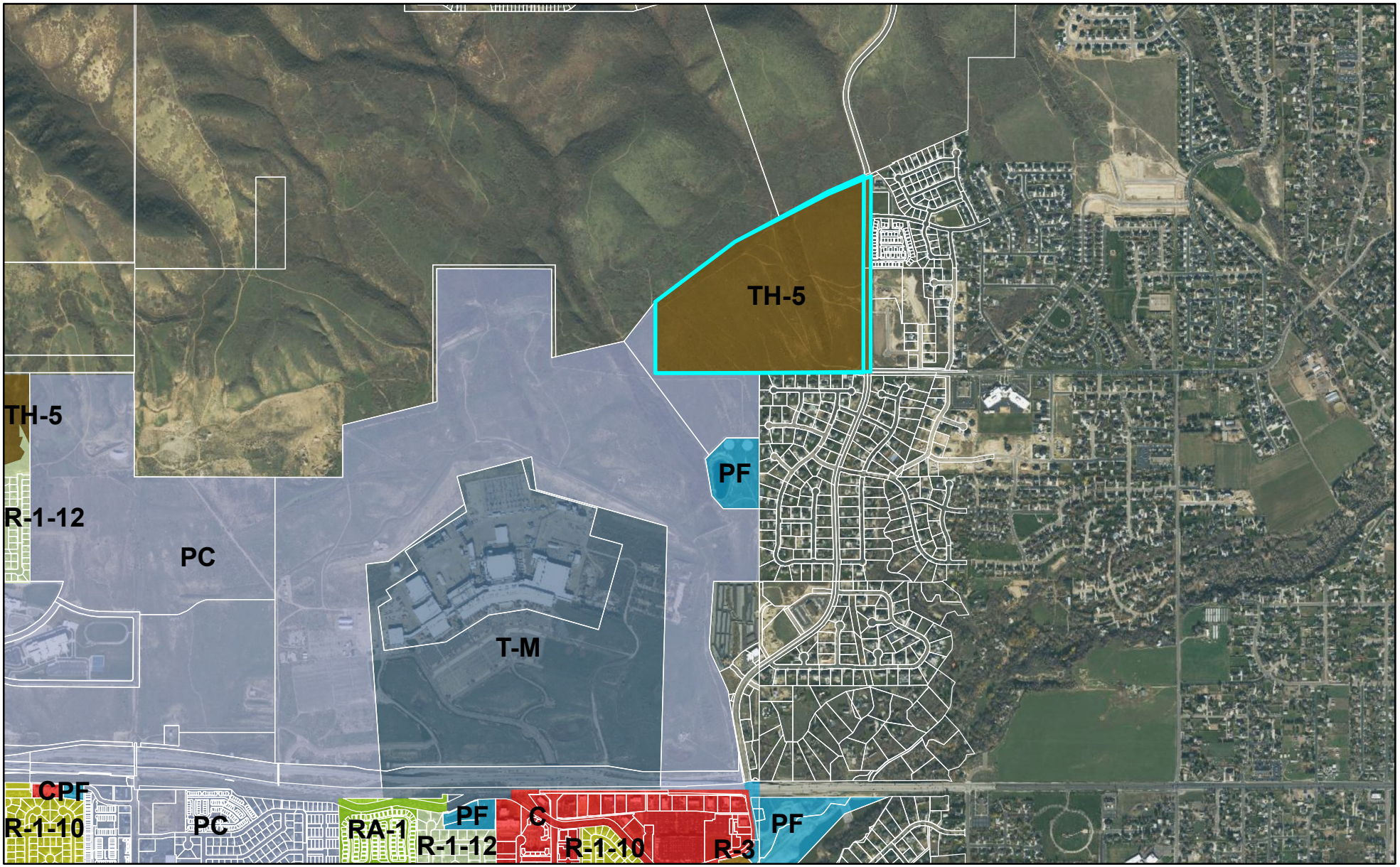
General Plan



LEHI CITY

Skye East Zone Change

Zoning



LEHI CITY

Agenda Item No: 6

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Teisha WIlson
Submitting Department:
Item Type: Action Item
Agenda Section: Regular Agenda

Subject:
Skye Substation Grading Permit
a. Public Hearing
b. Consideration of granting a Grading Permit for the Skye Substation on 12.02-acres of property located northwest of Horton Way.

Suggested Action:

Attachments:

CC Staff Report Skye Substation Grading 02.14.23.docx

Skye Substation Grading Permit DRC 01.04.23.docx

Skye Substation grading narrative.pdf

Skye Substation Grading updated plans.pdf

Aerial Map.pdf

Zoning Map.pdf

General Plan Map.pdf

SKYE SUBSTATION GRADING PERMIT

CITY COUNCIL REPORT

Applicant	DR Horton
Meeting Date	February 14, 2023
Requested Action/Purpose	Approval of a proposed grading permit
Location	Approximately 4700 North 100 East
Existing Zoning	TH-5
General Plan Designation	Environmentally Sensitive Area (ESA)
Existing Land Use	Undeveloped Hillside
Date of DRC Review	January 4, 2023
Date of Planning Commission Review	January 26, 2023
Assigned Planner	Brittney Harris

REQUIRED ACTION

Planning Commission	Public hearing and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 12-B.050 Grading Permit Issuance.

(a) When considering the approval of the grading permit the Public Works Director, Reviewing Departments, and (when applicable), Planning Commission and City Council, will verify that all of the following criteria are met (in addition to other applicable requirements of this code and other city codes):

(i) Approval of the proposal will not pose a threat to or be detrimental to the public health, safety, and welfare, nor be materially detrimental to fish and wildlife habitat and/or water resources as determined by an expert consultant.

(ii) The proposal is not in a sensitive lands area, as defined by Sections 12.060 (J) (K) of the Lehi City Development Code.

PROPERTY HISTORY

August 23, 2022 City Council approved the Draper-Lehi Municipal Boundary Line Adjustment bringing this land into Lehi City. Council also approved the General Plan designation of ESA

REPORT ANALYSIS

The applicant requests approval of the Skye Substation Grading permit. The applicant intends to build a substation to provide power to the future Skye community. The grading permit will allow them to start creating the buildable pad for the substation. The grading plan includes approximately 12-acres which necessitates the Planning Commission review and the City Council approval of the proposed grading plan.

Following DRC, the applicant provided updated plans and a narrative providing more information. The narrative states that all of the material will be used on site, so they did not provide a haul route map. They also stated that the grading will be completed nine months after City Council approval. They have a note that they will reseed with a native seed mix.

The DRC reviewed the proposed grading plan and had seven redline comments. These were all updated with the revised version.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed grading permit. Any motion should include findings. Possible findings include:

1. The proposed grading will allow for a future substation providing power on the east side of Lehi.
2. The proposed use, at the proposed location, will/will not be detrimental or injurious to property or improvements in the vicinity.
3. The proposed use will be located and conducted in a manner in compliance with the goals and policies of the Lehi City General Plan and the purposes of this Code.
4. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed grading permit on January 26, 2023. The minutes and motion from that meeting follows:

2.5) Public hearing and recommendation of DR Horton's request for review of the Skye Substation Grading Permit on 12.02-acres of property located northwest of Horton Way.
Jacob Curtis presented information on the agenda item.

Jeff Stephenson was present with DR Horton. All material will be used on site.

Commission Chair Newall opened the public hearing.

Commission Chair Newall closed the public hearing.

> **Motion:** Commissioner Bunker moved to recommend approval of **DR Horton's request for review of the Skye Substation Grading Permit on 12.02-acres of property located northwest of Horton Way,** including all DRC comments and findings stated in the report. Commissioner Everett seconded.
>
> **Vote:** Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

Skye Substation Grading Permit
DRC Redline Comments

DR Horton- requests review of the Skye Substation Grading permit on 12.02-acres of property located northwest of Horton Way.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Jacob Hernandez, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer, Luke Seegmiller, Brittney Harris
Representatives of the Applicant Present:
Date of Plans Reviewed: 12/15/22
Time Start: 3:23pm
Time End: 3:35pm

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire:
1. Add Note: "Fire protection must be provided during all grading activities in this Wildland Urban Interface."
Ryan – Water/Sewer: No comments
Trent – Parks:
2. Show and label existing Bonneville Shoreline Trail that will need to be relocated by a professional trail builder as part of this project.
Gary – Building/Inspections: No comments
Jacob – Public Works: No comments
Ross – Engineering: No comments
Luke- Traffic: No comments
Kim – Planning:
4. Include a narrative that outlines the relevant information:
   a) The amount of material to be moved and/or removed. Extractable volumes must also be provided in both bank cubic
   yards and loose cubic yards.
   b) The number of estimated total truck loads.
   c) The number of estimated daily trips/truck loads.
   d) A completion date.
   e) Temporary vegetative protection during the time of grading.
   f) Dust control measures.
5. Provide a more detailed vicinity map that includes the land uses in the Skye Area Plan.
6. Recommend contouring the cut slopes in a more natural way since this will be very visible from lower areas of the development and SR-92.
7. Need to show revegetation of the cut slope areas with details of the seed mix, revegetation practices, etc..

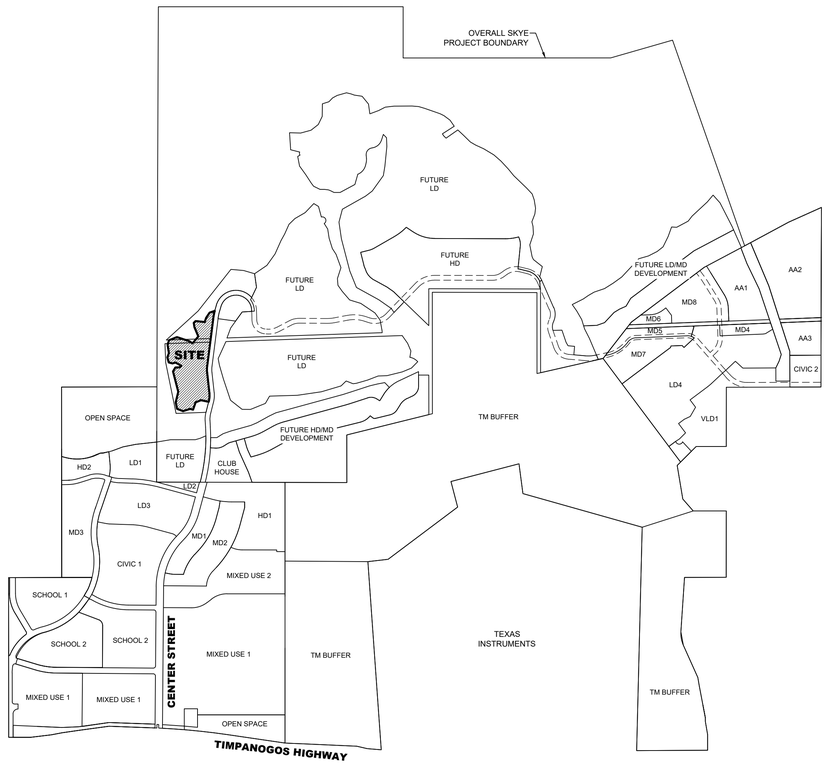
THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON JANUARY 26, 2023

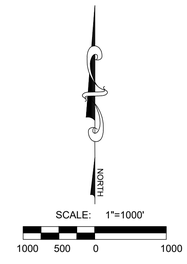
Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews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

January 12, 2023

Narrative for Skye sub-station grading permit.

1) **Reason is to prepare site for Geotechnical Study and prepare rough grade of access roads**
    a. **Total amount of material to be moved is summarized with the following:**
        i. **126,246 cubic yards (cy) of cut**
        ii. **1,587 cy of fill**
        iii. **Net cut of 124,659 cy**
    b. **No material will be moved off site**
    c. **No material will be moved off site**
    d. **Completion date: 9 months after city council approval**
    e. **Temporary vegetative protection: 4' temporary constructive fence may be installed indicating boundary scope of work**
    f. **Dust Control measure – water truck will be on site**
    g. **Traffic control plans – not applicable**
2) **Plan to reseed with native seed mix, and additional erosion control measures may be used if necessary**
3) **General Vicinity map – see attached**
4) **Metes and bounds description – see attached**
5) **Map of subject area – see attached**
6) **Main haul route- no material will be hauled off site**
7) **Retaining walls - no retaining walls are currently planned**
8) **Required permits for stream or watercourse = N/A**
9) **Storm water pollution prevention plan = silverleaf will provide**
10) **Utah State Notice of Intent – will be completed by silverleaf**





VICINITY MAP

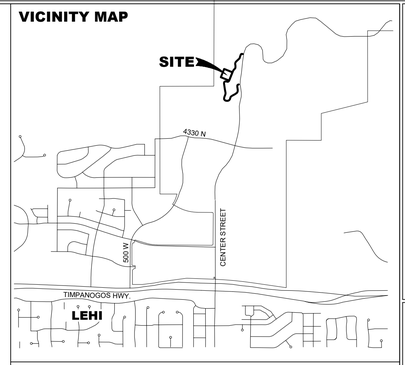


TABLE OF CONTENTS

	COVER
SHEET 1	NOTES
SHEET 2	NORTH POWER ROAD
SHEET 3	SOUTH POWER ROAD
SHEET 4	POWER STATION PAD

LEGEND

EXISTING	PROPOSED	
		BOUNDARY LINE
		STREET CENTERLINE
		EASEMENT LINE
		LOT LINES
EX SS	SS	SEWER PIPE
		SEWER MANHOLE
		SEWER SERVICE
EX SD	SD	STORM DRAIN PIPE (RCP)
		STORM DRAIN MANHOLE
		CURB INLET
		COMBO BOX
		4'x4' CATCH BASIN
		3'x3' CATCH BASIN
		INLET/OUTLET W/ GRATE
EX W	W	CULINARY WATER PIPE
		45° PIPE ELBOW (W)
		22.5° PIPE ELBOW (W)
		11.25° PIPE ELBOW (W)
		FIRE HYDRANT
		SERVICE & METER (W)
		PRV(W)
		AIR-VAC VALVE (W)
		BLOW-OFF (W)
		TEMP. BLOW-OFF (W)
		VALVE (W & SW)
		TEE
		CROSS
EX PI	PI	PRESSURIZED IRRIGATION
		45° PIPE ELBOW (PI)
		22.5° PIPE ELBOW (PI)
		11.25° PIPE ELBOW (PI)
		SINGLE SW SERVICE
		DUAL SW SERVICE
		AIR-VAC VALVE (PI)
		BLOW-OFF (SW)
		TEMP. BLOW-OFF (PI)
STOP	STOP	STOP SIGN
		STREET SIGN
		MONUMENT
X	X	FENCE
		STREET LIGHT
		POWER POLE
		DITCH
EX FO		FIBER OPTIC
EX GAS		GAS
	OHP	OVERHEAD POWER
		FLOW ARROW
		CONTOURS

BOUNDARY DESCRIPTION

A portion of the Northwest Quarter of Section 28, Township 4 South, Range 1 East, Salt Lake Base and Meridian, described more particularly as follows:

Beginning at a point being located N0°10'43"E along the Section Line 1121.64 feet and East 723.88 feet from the West Quarter Corner of Section 28, Township 4 South, Range 1 East, Salt Lake Base and Meridian (Basis of Bearing: N89°52'57"E between the Southwest Corner and the South Quarter Corner of Section 22, T4S, R1E, SLB&M); thence N78°15'12"W 109.55 feet; thence S68°20'33"W 81.15 feet; thence S18°56'07"W 108.27 feet; thence N75°24'28"W 43.96 feet; thence S72°06'52"W 103.03 feet; thence N68°57'45"W 89.34 feet; thence N11°35'28"W 93.07 feet; thence N13°44'41"E 151.33 feet; thence N14°31'27"W 293.56 feet; thence N30°14'38"E 64.35 feet; thence N87°34'20"E 57.64 feet; thence N48°23'01"E 33.62 feet; thence N61°04'57"W 90.53 feet; thence S75°19'55"W 45.46 feet; thence N74°55'35"W 53.39 feet; thence N15°29'58"W 73.56 feet; thence N20°14'42"E 62.63 feet; thence N09°13'15"W 119.80 feet; thence N19°12'36"E 65.97 feet; thence N68°25'46"E 118.61 feet; thence S71°40'24"E 184.42 feet; thence S54°36'47"E 51.81 feet; thence N39°44'26"E 126.43 feet; thence N22°34'27"W 140.81 feet; thence N08°59'46"W 60.33 feet; thence N45°33'57"E 35.59 feet; thence S84°14'59"E 128.13 feet; thence N19°35'59"E 62.24 feet; thence N33°24'17"E 86.82 feet; thence N71°47'44"E 75.20 feet; thence along the arc of a non-tangent curve to the left 102.07 feet with a radius of 783.23 feet through a central angle of 07°28'01", chord: S11°00'30"W 102.00 feet; thence S07°16'29"W 670.16 feet; thence along the arc of a curve to the left 101.88 feet with a radius of 431.00 feet through a central angle of 13°32'38", chord: S00°30'10"W 101.65 feet; thence S06°16'09"E 282.17 feet; thence along the arc of a curve to the right 114.57 feet with a radius of 319.00 feet through a central angle of 20°34'42", chord: S04°01'12"W 113.96 feet; thence S14°18'33"W 9.22 feet to the point of beginning.

Contains: ±12.02 acres.

DEVELOPER / OWNER
DR HORTON INC

ENGINEER
LEI CONSULTING ENGINEERS
3302 NORTH MAIN
SPANISH FORK, UTAH 84660
(801)798-0555

PROJECT NAME
SKYE

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SKYE - POWER STATION
LEHI CITY, UTAH

COVER

REVISIONS
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DRAWN BY: RWH
DESIGNED BY: BCT
SCALE: 1"=1000'
DATE: 01/13/2023

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GENERAL NOTES

1. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AND INSPECTED IN STRICT ACCORDANCE WITH ALL JURISDICTIONAL AUTHORITIES.
2. CONTRACTOR SHALL COMPLY WITH THE STANDARDS INDICATED WITHIN THE CONSTRUCTION DOCUMENTS. THE CONTRACTOR SHALL NOTIFY ALL AGENCIES, OWNERS, ENGINEERS, AND UTILITY COMPANIES FIVE DAYS PRIOR TO A PRE-CONSTRUCTION MEETING.
3. IT IS INTENDED THAT THESE PLANS AND SPECIFICATIONS REQUIRE ALL LABOR AND MATERIALS NECESSARY AND PROPER FOR THE WORK CONTEMPLATED AND THAT THE WORK BE COMPLETED IN ACCORDANCE WITH THEIR TRUE INTENT AND PURPOSE. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY REGARDING ANY DISCREPANCIES OR AMBIGUITIES WHICH MAY EXIST IN THE PLANS OR SPECIFICATIONS. THE ENGINEER'S INTERPRETATION THEREOF SHALL BE CONCLUSIVE.
4. WHERE THE PLANS OR SPECIFICATIONS DESCRIBE PORTIONS OF THE WORK IN GENERAL TERMS BUT NOT IN COMPLETE DETAIL, IT IS UNDERSTOOD THAT ONLY THE BEST GENERAL PRACTICE IS TO PREVAIL AND THAT ONLY MATERIALS AND WORKMANSHIP OF THE FIRST QUALITY ARE TO BE USED.
5. CONTRACTOR SHALL INSPECT THE SITE OF THE WORK PRIOR TO BIDDING TO SATISFY THEMSELVES BY PERSONAL EXAMINATION OR BY SUCH OTHER MEANS AS THEY MAY PREFER, OF THE LOCATION OF THE PROPOSED WORK, AND OF THE ACTUAL CONDITIONS OF, AND AT, THE SITE OF WORK. IF, DURING THE COURSE OF THEIR EXAMINATION, A BIDDER FINDS FACTS OR CONDITIONS WHICH APPEAR TO THEM TO BE IN CONFLICT WITH THE LETTER OR SPIRIT OF THE PROJECT PLANS AND SPECIFICATIONS, THEY SHALL CONTACT THE ENGINEER FOR ADDITIONAL INFORMATION AND EXPLANATION BEFORE SUBMITTING THEIR BID. SUBMISSION OF A BID BY THE CONTRACTOR SHALL CONSTITUTE ACKNOWLEDGMENT THAT, IF AWARDED THE CONTRACT, (1) THEY HAVE RELIED AND ARE RELYING ON THEIR OWN EXAMINATION OF THE SITE OF THE WORK, (2) ACCESS TO THE SITE, AND (3) ALL OTHER DATA AND MATTERS REQUISITE TO THE FULFILLMENT OF THE WORK AND ON THEIR OWN KNOWLEDGE OF EXISTING FACILITIES ON AND IN THE VICINITY OF THE SITE OF THE WORK TO BE CONSTRUCTED UNDER THIS CONTRACT. THE INFORMATION PROVIDED BY THE OWNER OR THE ENGINEER IS NOT INTENDED TO BE A SUBSTITUTE FOR, OR A SUPPLEMENT TO THE INDEPENDENT VERIFICATION BY THE CONTRACTOR TO THE EXTENT SUCH INDEPENDENT INVESTIGATION OF SITE CONDITIONS IS DEEMED NECESSARY OR DESIRABLE BY THE CONTRACTOR. CONTRACTOR SHALL ACKNOWLEDGE THAT THEY HAVE NOT RELIED SOLELY UPON OWNER OR ENGINEER FURNISHED INFORMATION REGARDING SITE CONDITIONS IN PREPARING AND SUBMITTING THEIR BID.
6. NO ALLOWANCE WILL BE MADE FOR DISCREPANCIES OR OMISSIONS THAT CAN BE EASILY OBSERVED. VERIFY ALL EXISTING CONDITIONS BEFORE BIDDING AND ANSWER ANY QUESTIONS BEFORE CONSTRUCTION.
7. ALL TRAFFIC CONTROL IS TO CONFORM TO THE CURRENT MUTCD AND UDOT STANDARDS. FOR ALL WORK WITHIN PUBLIC RIGHTS-OF-WAYS OR EASEMENTS, THE CONTRACTOR SHALL PRESERVE THE INTEGRITY AND LOCATION OF ANY AND ALL PUBLIC UTILITIES AND PROVIDE THE NECESSARY CONSTRUCTION TRAFFIC CONTROL. CONTRACTOR SHALL, THROUGH THE ENCROACHMENT PERMIT PROCESS, VERIFY WITH THE NECESSARY REGULATORY AGENCIES, THE NEED FOR ANY TRAFFIC ROUTING PLAN. IF PLAN IS REQUIRED, CONTRACTOR SHALL PROVIDE PLAN AND RECEIVE PROPER APPROVALS PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, BARRICADES, SIGNS, FLAGMEN OR OTHER DEVICES NECESSARY FOR PUBLIC SAFETY.
8. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY FIELD CHANGES MADE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE OWNER AND/OR ENGINEER.
9. CONTRACTOR TO VERIFY EXISTING CONDITIONS, TIE IN POINTS, UTILITY CONNECTIONS, ETC. PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES.
10. THE CONTRACTOR SHALL EXERCISE DUE CAUTION AND SHALL CAREFULLY PRESERVE BENCHMARKS, CONTROL POINTS, SECTION CORNERS, REFERENCE POINTS AND ALL SURVEY STAKES, AND SHALL BEAR ALL EXPENSES FOR REPLACEMENT AND/OR ERRORS CAUSED BY UNNECESSARY LOSS OR DISTURBANCE.
11. CONTRACTOR TO FURNISH, MAINTAIN, AND RESTORE ALL SURVEY MONUMENTS AND MONUMENT REFERENCE MARKERS WITHIN THE PROJECT SITE. CONTRACTOR TO CONTACT THE CITY OR COUNTY SURVEYOR FOR MONUMENT PERMITTING, LOCATIONS AND CONSTRUCTION DETAILS.
12. ALL EXISTING ASPHALT WILL BE SAW CUT IN NEAT STRAIGHT LINES BY THE CONTRACTOR PRIOR TO EXCAVATION.

GENERAL CLEARING AND GRADING NOTES

1. CLEARING, GRUBBING AND DISPOSAL OF VEGETATIVE MATERIAL NEEDS TO BE IN ACCORDANCE WITH STATE AND COUNTY REGULATIONS, WHICH APPLY TO SOLID WASTE.
2. THE EXISTING TOPOGRAPHY SHOWN ON THESE PLANS IS BASED ON DRAWINGS AND A TOPOGRAPHIC SURVEY PERFORMED BY LEI ENGINEERS (UNLESS OTHERWISE NOTED). IF THE EXISTING GRADE IS DIFFERENT FROM WHAT IS SHOWN ON THE GRADING PLAN, CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY.
3. ALL EARTH WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER'S REPORT.
4. WHEN USING ELECTRONIC FILES OF MASS GRADING SITES PREPARED BY LEI THE CONTRACTOR MUST USE THE DIGITAL TERRAIN MODEL CREATED BY AUTODESK CIVIL 3D AND NOT A REPRODUCTION OF PROPOSED CONTOURS. LEI IS NOT RESPONSIBLE FOR ANY INACCURACIES, ERRORS AND/OR DISCREPANCIES DUE TO CONVERSION OR USE OF ELECTRONIC FILES.
5. NO CHANGE IN DESIGN LOCATION OR GRADE WILL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN APPROVAL OF THE PROJECT ENGINEER.
6. EROSION CONTROL - A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IS REQUIRED IN ACCORDANCE WITH THE UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT FOR CONSTRUCTION, OUTLINING HOW EROSION AND SILTATION WILL BE CONTROLLED. CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND MAINTAINING THE APPROPRIATE PERMITS AND INSPECTIONS. A COPY OF THE PLAN MUST BE ON SITE AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING THE PLAN AND INSTALLING AND MAINTAINING THE EROSION CONTROL FACILITIES WITH EACH PHASE OF WORK. SHOULD SILT LEAVE THE SITE OR EROSION OCCURS, IT WILL BE THE CONTRACTORS RESPONSIBILITY TO TAKE CORRECTIVE ACTION AND REPAIR ANY DAMAGE CAUSED BY THE SILT OR EROSION IMMEDIATELY. ALL COSTS ASSOCIATED WITH THE MODIFICATION AND APPROVAL OF THE PLAN WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.
7. FIRE PROTECTION MUST BE PROVIDED DURING ALL GRADING ACTIVITIES IN THIS WILDLAND URBAN INTERFACE.
8. ALL CUT SLOPES AND DISTURBED AREAS TO BE RE-SEEDED ACCORDING TO THE SEED MIX DETAIL PROVIDED ON THIS SHEET.
9. IN AREAS WITH HIGH VISIBILITY, GRADING WILL BE COMPLETED IN SUCH A WAY AS TO MIRROR EXISTING CONTOURS AND TO ALLOW CUT SLOPES TO HAVE A MORE NATURAL LOOK.

RE-VEGETATIVE SEED MIX

SPECIES	%
SLENDER WHEATGRASS	15
WESTERN WHEATGRASS	17.5
BLUEBUNCH WHEATGRASS	16.25
SHEEP FESCUE	3.5
SANDBERG BLUEGRASS	2.75
INDIAN RICEGRASS	10
RUBBER RABBIT BRUSH	5
WESTERN SAGE	5
BLANKET FLOWER	5
BLUE FLAX	10
CALIFORNIA POPPY	10

NOTES:
1. SEEDING RATE IS 20 LBS PER ACRE
2. SEEDMIX PROVIDED BY GRANITE SEED, LEHI, UT

GENERAL UTILITY NOTES

1. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING BLUE STAKES FOR MARKINGS TO VERIFY ALL EXISTING UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGES TO EXISTING UTILITIES AND FOR ALL INTERRUPTIONS CAUSED BY THE RESULTS OF HIS WORK.
2. THE LOCATIONS OF UNDERGROUND FACILITIES SHOWN ON THESE PLANS ARE BASED ON FIELD SURVEYS AND LOCAL UTILITY COMPANY RECORDS. IT SHALL BE THE CONTRACTORS FULL RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO PROCEEDING WITH CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY CONTRACTORS WORK FORCE.
3. START AT THE LOW END OF ALL GRAVITY FEED LINES AND WORK UPHILL. DO NOT DRY START GRAVITY FEED LINES THAT TIE INTO EXISTING GRAVITY LINES. FAILURE TO COMPLY WITH THIS NOTE SHALL RELEASE THE CIVIL ENGINEER OF ALL LIABILITY.
4. CONTRACTOR SHALL LAYOUT AND POTHOLE FOR ALL POTENTIAL CONFLICTS WITH UTILITY LINES ON OR OFF-SITE AS REQUIRED PRIOR TO ANY CONSTRUCTION.
5. ANY POWER, NATURAL GAS, AND COMMUNICATIONS UTILITIES SHOWN ON THE PLANS ARE FOR REFERENCE PURPOSES ONLY AND ARE NOT DESIGN DRAWINGS FOR THE RELOCATION OR REMOVAL OF EXISTING UTILITIES, NOR FOR ANY NEW UTILITY SERVICES. CONTRACTOR TO SUBMIT SITE PLAN TO APPROPRIATE UTILITY PROVIDER FOR DESIGN OF SERVICE CONNECTIONS.
6. ALL DIMENSIONS, GRADES AND UTILITY DESIGNS SHOWN ON THE PLANS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. NOTIFY THE ENGINEER IF ANY DISCREPANCIES EXISTS PRIOR TO CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES.
7. ALL EXISTING MANHOLES, WATER VALVES, CLEAN OUTS, ETC., ARE TO BE RAISED OR LOWERED TO GRADE.
8. THE DRY START OF ANY UTILITY WITHOUT DIRECT CONNECTION TO EXISTING UTILITY INFRASTRUCTURE IS HIGHLY DISCOURAGED UNLESS DIRECTED OTHERWISE BY THE OWNER/DEVELOPER. LEI IS NOT RESPONSIBLE FOR ANY ISSUES OR CHANGES RESULTING FROM SUCH CONSTRUCTION METHODS.
9. NO CHANGE IN DESIGN LOCATION OR GRADE WILL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN APPROVAL OF THE PROJECT ENGINEER.
10. AND AT THE SOLE RISK OF THE CONTRACTOR UNLESS DIRECTED OTHERWISE BY THE OWNER/DEVELOPER.
11. CONTRACTOR IS RESPONSIBLE TO REMOVE, SALVAGE, AND REPLACE FENCE LINES WHICH ARE DISTURBED DURING CONSTRUCTION.
12. SANITARY SEWER TO BE INSTALLED A MINIMUM OF 10 FEET HORIZONTALLY AND 18 INCHES VERTICALLY FROM ALL WATER LINES.
13. ALL PIPE LENGTHS SHOWN ON PLANS ARE FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE UNLESS NOTED OTHERWISE.
14. UTILITY LATERAL TO BE INSTALLED PER CITY STANDARD LOCATION UNLESS OTHERWISE NOTED.

ELECTRONIC FILE NOTES

1. THE HARD COPIES OF THIS INFORMATION WILL GOVERN OVER THE ELECTRONIC DATA IN THE EVENT ANY DISCREPANCIES ARE FOUND WITH THE INFORMATION. PLEASE CONTACT LEI BEFORE CONSTRUCTION IF ANY DISCREPANCIES ARE FOUND.
2. THE INFORMATION RECORDED ON OR TRANSMITTED AS ELECTRONIC MEDIA WAS CREATED USING AUTODESK CIVIL 3D 2020 SOFTWARE. THEREFORE, THE INFORMATION IS SUBJECT TO UNDETECTABLE ALTERATION, EITHER INTENTIONAL OR UNINTENTIONAL DUE TO, AMONG OTHER CAUSES, TRANSMISSION, CONVERSION, MEDIA DEGRADATION, SOFTWARE ERROR, OR HUMAN ALTERATION.

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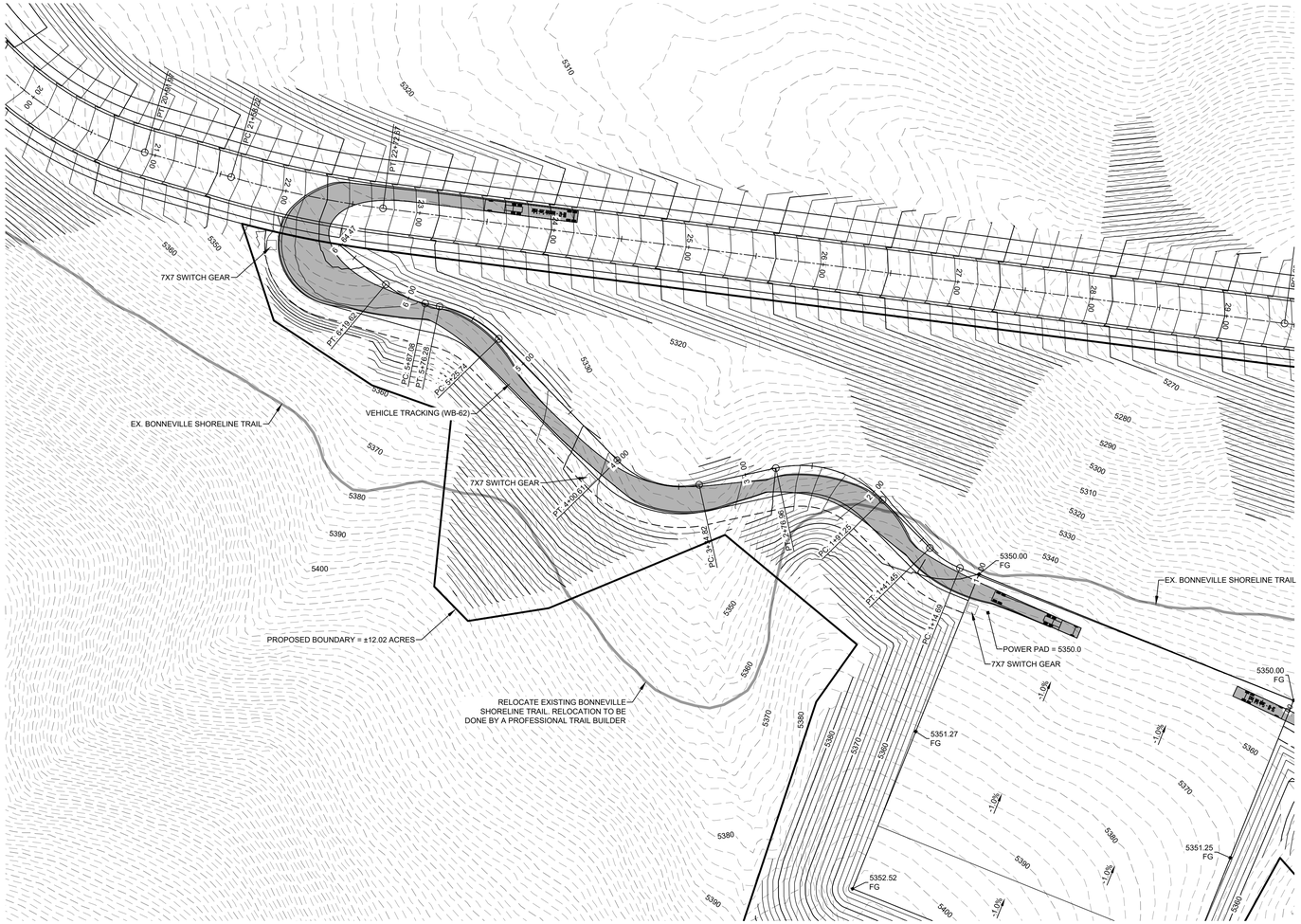
GENERAL NOTES

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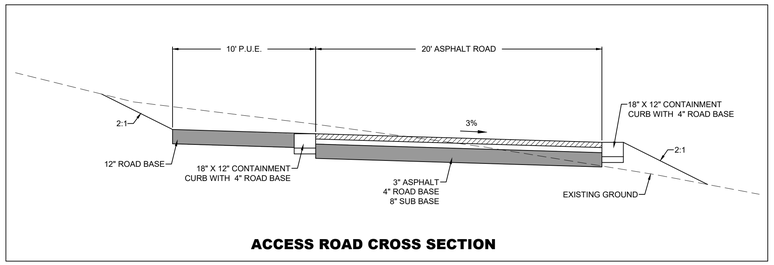
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DRAWN BY: RWH
DESIGNED BY: BCT
SCALE: NONE
DATE: 01/13/2023

SHEET 1

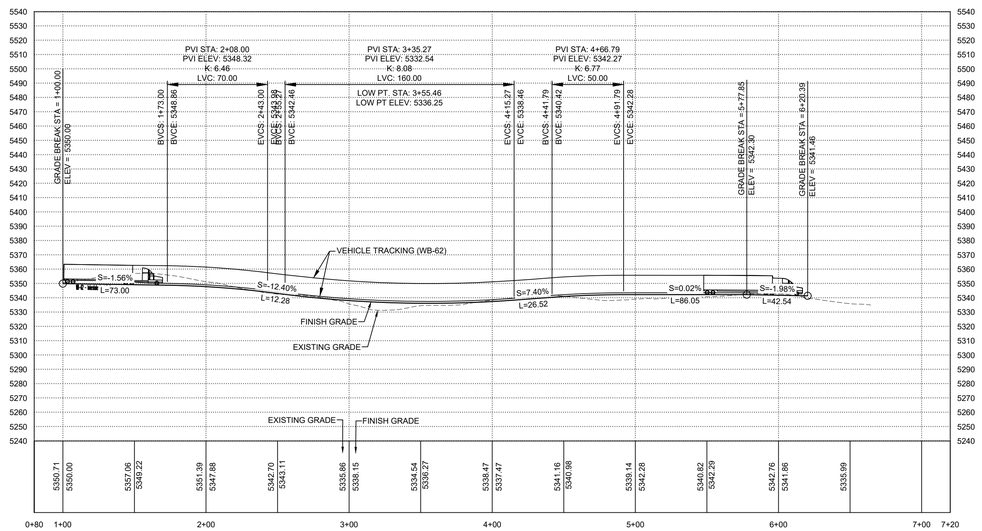
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NOTE: FIRE PROTECTION MUST BE PROVIDED DURING ALL GRADING ACTIVITIES IN THIS WILDLAND URBAN INTERFACE



ACCESS ROAD CROSS SECTION



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NORTH POWER ROAD

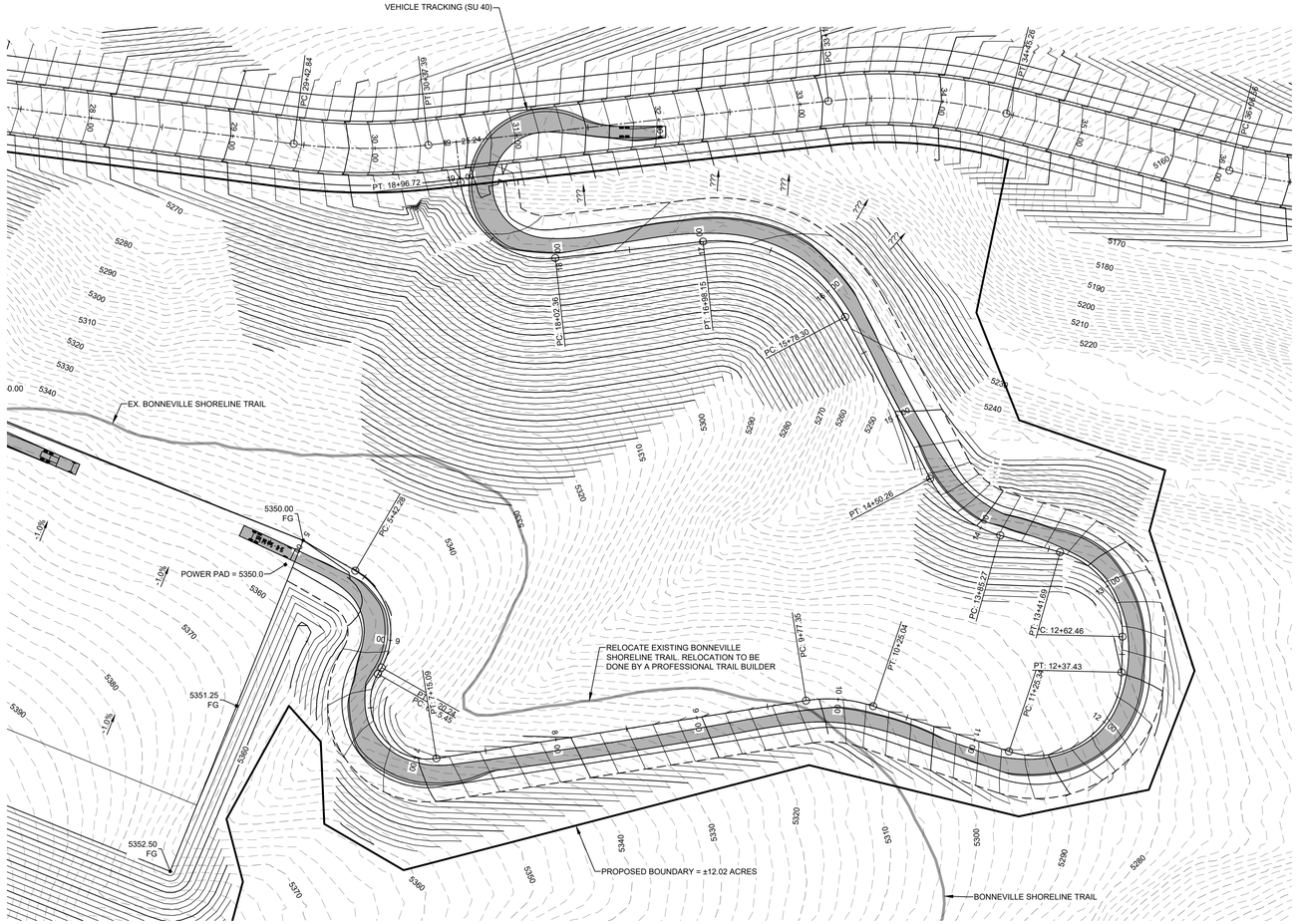
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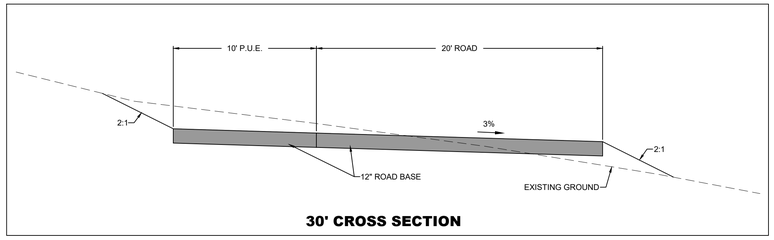
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DRAWN BY: RWH
DESIGNED BY: BCT
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DATE: 01/13/2023

SHEET 1

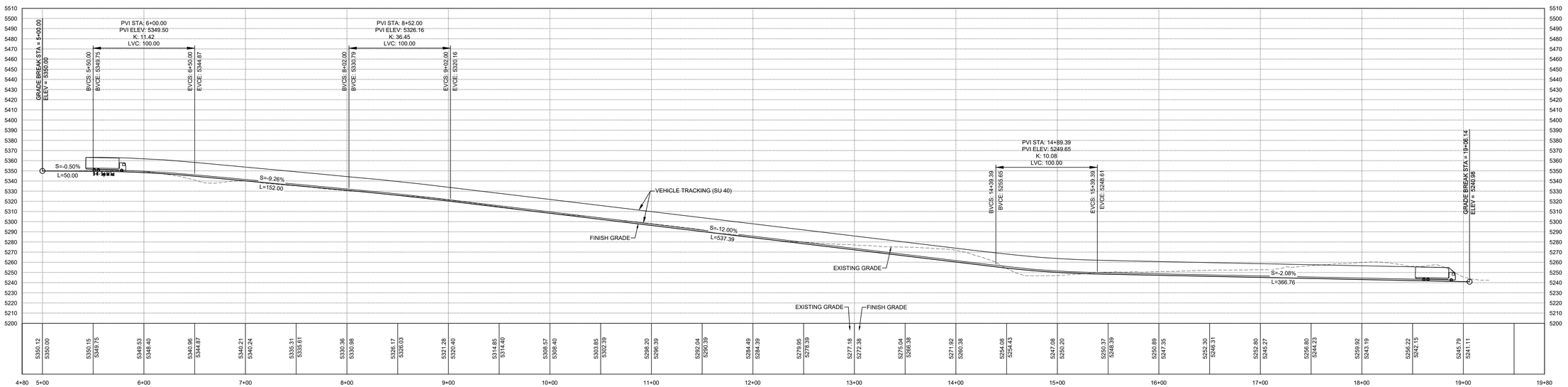
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30' CROSS SECTION



NORTH

SCALE: 1"=50'

50 25 0 50

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SOUTH POWER ROAD

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POWER STATION PAD

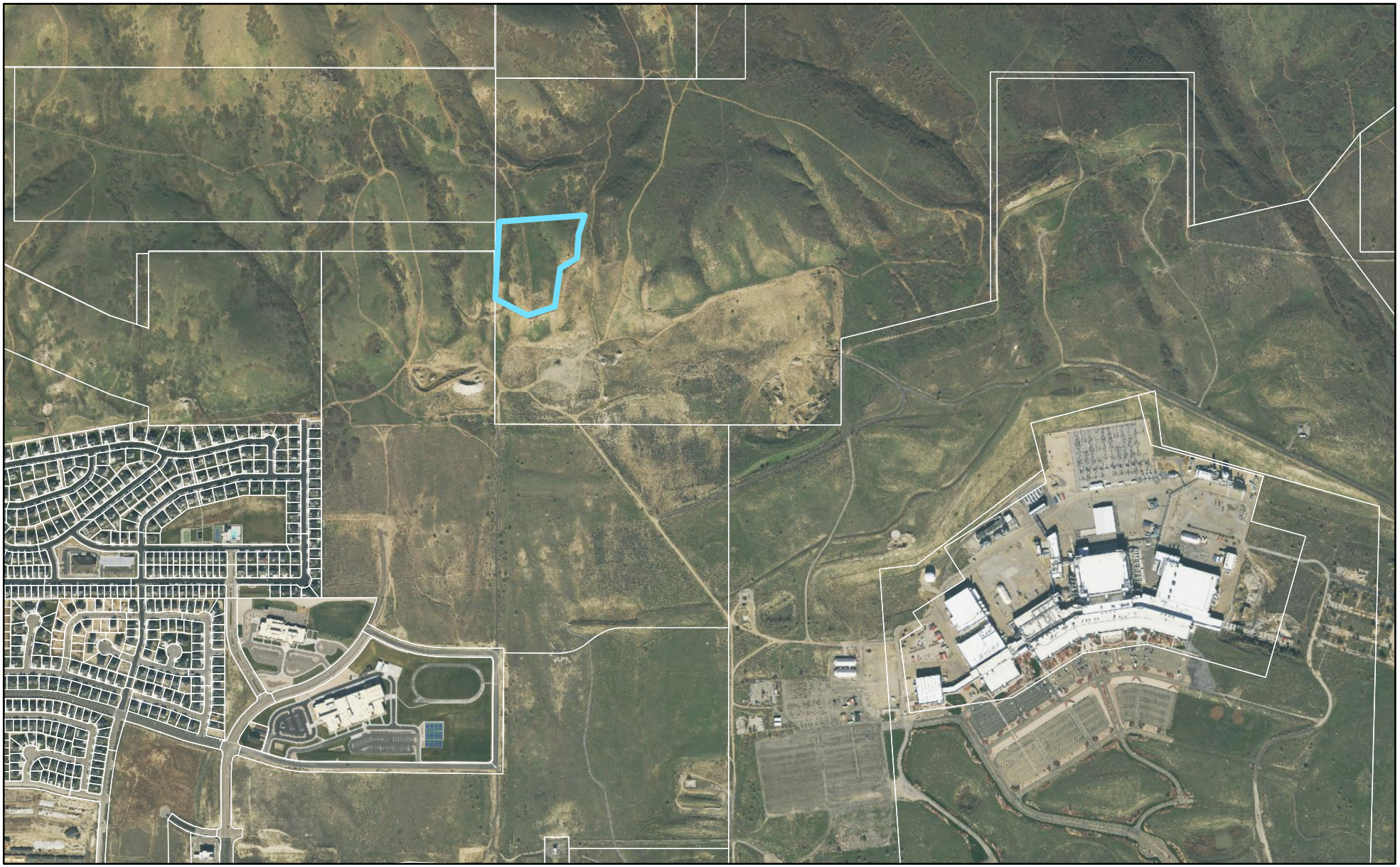
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Skye Substation Grading

Aerial

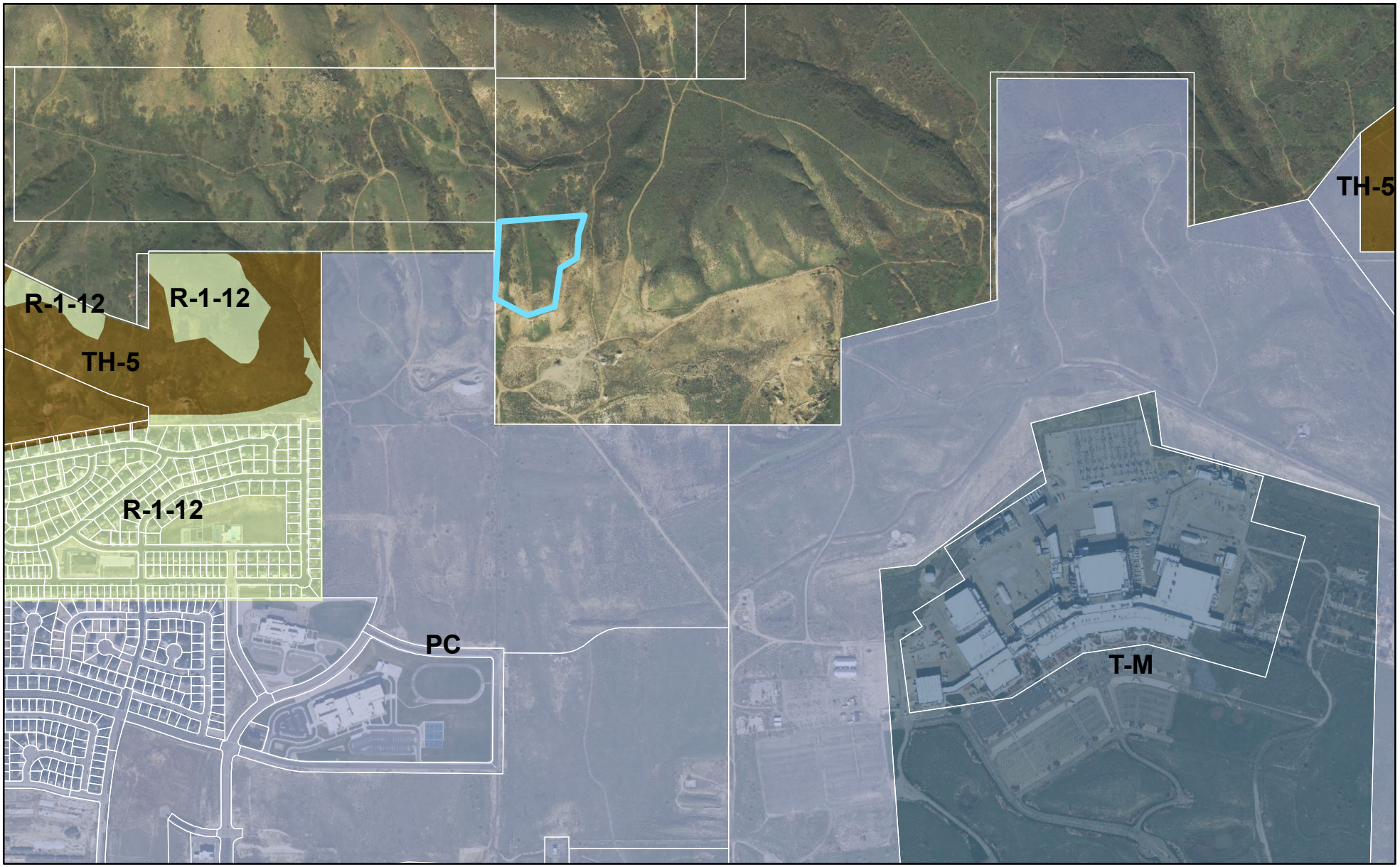


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LEHI CITY

Skye Substation Grading

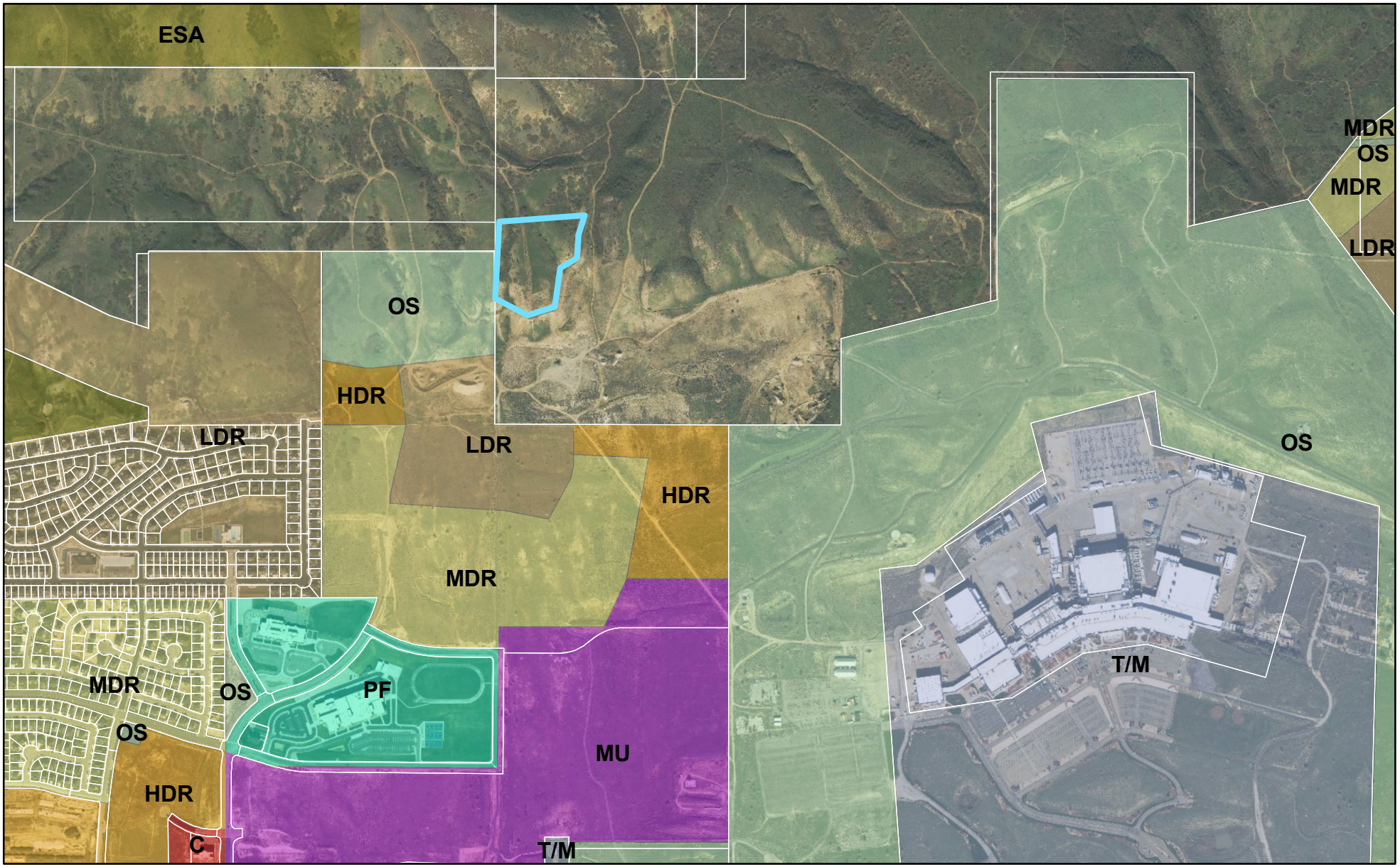
Zoning



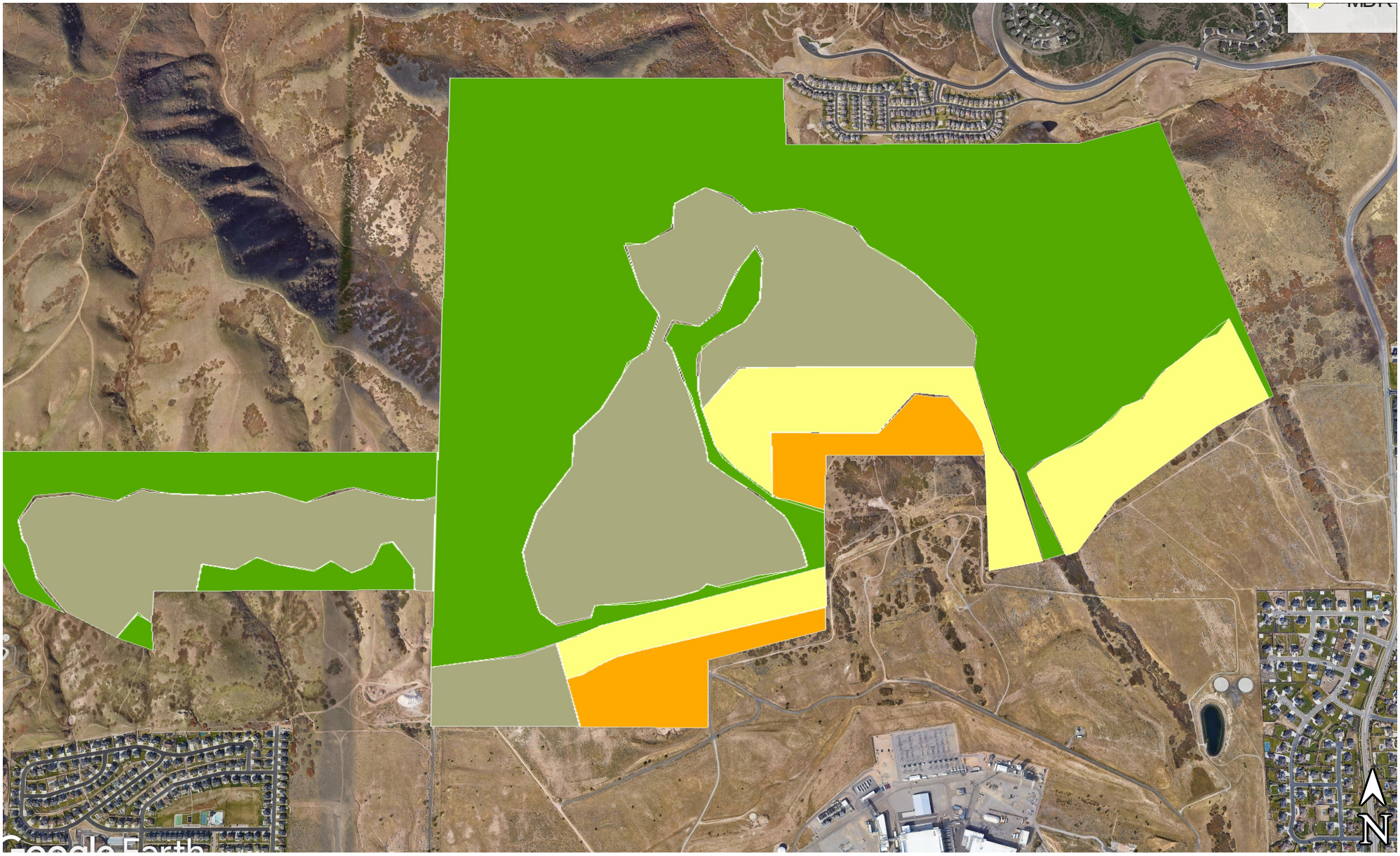
LEHI CITY

Skye Substation Grading

General Plan



LEHI CITY


Google Earth
N

Agenda Item No: 7

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Katie Bussell
Submitting Department: Planning Division
Item Type: Ordinance
Agenda Section: Regular Agenda

Subject:
Consideration of Ordinance #12-2023, approving a Holbrook Farms Area Plan Amendment changing the land use map and changing the location of residential units located at approximately Hudson Way and Redwood Road.

Suggested Action:

Attachments:

CC Staff Report Holbrook Farms Area Plan 02.14.23.docx

Holbrook Farms Area Plan Amendment DRC 11.30.22 .docx

Ord 12-2023.docx

Holbrook Farms Area Plan Amendment Narrative.pdf

Holbrook Land Use Map Amendment Updated 11.30.22.pdf

Aerial map.pdf

General Plan.pdf

Zoning map.pdf

HOLBROOK FARMS AREA PLAN AMENDMENT

CITY COUNCIL REPORT

Applicant	Ivory Development
Meeting Date	February 14, 2023
Requested Action/Purpose	Review and recommendation for an amendment to the Holbrook Farms Area Plan
Decision Type	Legislative
Location	Various locations throughout Holbrook Farms (see map)
Existing Zoning	Planned Community
Existing General Plan Land Use Designation	Various (see map)
Proposed Land Use Designation	Various (see map)
Date of DRC Review	November 30, 2022
Date of Planning Commission Review	January 12, 2023
Assigned Planner	Katie Bussell

REQUIRED ACTION

Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 06.010 Purpose and Intent.
The intent of the Planned Community Zone and this Chapter is to:

A. Allow the City to encourage and facilitate more detailed and specific planning and analysis for certain areas of the City.
B. Establish provisions and requirements which enable the City to address unique areas of the City or where other characteristics exist that warrant a comprehensive set of land use policies and standards which will encourage an efficient and imaginative development pattern.
C. Provide an opportunity for flexibility from the constraints of traditional zoning and allow for development on a performance basis. Higher density and intensity of uses may be achieved as higher quality development and performance standards are implemented within the zone.
D. Provide a consolidated and structured framework for the processing of preliminary and final subdivision plat(s), preliminary and final site plans, and other permits and licenses required by this Code.

An application for approval of a Planned Community Zone is a request by the applicant for additional flexibility beyond that allowed by the traditional zones within the City. It is the sole responsibility and burden of the applicant to convince the Planning Commission and City Council that the proposed Planned Community Zone is preferable to traditional zoning. Approval for use of the Planned Community Zone lies at the discretion of the City Council.

Section 06.020 Planned Community Description.
Each Planned Community Zone should include a cohesive mixture of land uses, including commercial and/or business park uses, which will provide services and employment opportunities to residents within the community. Residential uses should provide a range of housing types and densities to accommodate a variety of age and income groups and residential preferences, so that the community's demographic diversity is maintained. Commercial uses should focus on retail services for the residents of the community and must include a unifying design theme which compliments the residential areas. Residential and commercial land uses should be integrated to

promote a walkable, sustainable community.

Section 15.040. Effect of Area Plan Approval.

A. If a proposed Area Plan is adopted by the City pursuant to this Chapter, no development, permit or license, shall be approved unless such development, permit or license is consistent with and conforms to all the requirements of the adopted Area Plan, the Lehi City General Plan, and this Code in effect at the time of the application, unless modified by the provisions and requirements of the adopted Area Plan and any associated documents.

REPORT ANALYSIS

The applicant requests approval of an area plan amendment to the Holbrook Farms Area Plan to only allow residential ERU's to be on the east side of Redwood Road. The remaining area of Holbrook Farms west of Redwood Road will be commercial/industrial. The applicant is also seeking a change in the parking requirements for Holbrook Farms specifically for multi-family housing. Both the land use map changes and the parking requirements are detailed below.

Land Use Map
The proposed amendment would restrict the west side of Redwood Road within Holbrook Farms to commercial/industrial uses. This would require moving all remaining residential ERU's (approximately 490) to the east side of Redwood Road into the Village 4 area. The overall unit count will not change with the proposed amendment. This proposed amendment would allow for more cohesion between uses as it would separate industrial uses from residential.

Parking Requirements
The applicant previously wished to remove the garage requirement to have one stall within a fully enclosed garage for the multi-family dwellings. Since the publishing of this report, the applicant has reached out to staff and has decided to withdraw this part of the application. Therefore, the application will solely focus on moving all remaining residential ERU's from the west side of Redwood Road to the east.

DRC Comments
The DRC reviewed the proposed area plan amendment and had four redline comments.
1. The units that are being proposed to move are within the same utility zone and can be accommodated with the existing infrastructure
2. This does not seem like adequate parking based on existing demographics. Data or a well thought out, detailed plan of how parking will be addressed and not create issues should be provided before any reduction in the number of stalls should be considered
3. On the density table, use "Estimated ERUs" instead of "Estimated Units"
4. On Note #2, specify that commercial uses must be service and retail related, and not office/warehouse

In light of the applicant withdrawing the revision of the parking requirements, comment two no longer applies. Please do not consider this in your motion.

The applicant has also submitted an updated Land Use Map changing the language from "Estimated ERU's" to "Estimated Units." This would address DRC comment three listed above.

The applicant has concerns that if the commission votes to include DRC comment four they will have to pull their application as they do not wish to be limited in the type of commercial use that will occur. It should be noted that Office/Warehouse is already listed as a conditional use in all commercial areas (including the subject Area 4) of the Land Use Plan, so there are no current limitations on that use. If the Area Plan were to remain unchanged, it would mean approximately 490 equivalent residential units could still be built on the west side of Redwood road, in the area surrounded by Redwood Road and the future Mountainview Corridor.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed Holbrook Farms Area Plan Amendment. Any motion should include findings. Possible findings include:

1. The proposed area plan amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
2. The proposed area plan amendment is/is not consistent with the land uses and zoning of nearby and adjoining properties.
3. The proposed area plan amendment will/will not have a substantial adverse effect on surrounding property.
4. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed area plan amendment on January 12th, 2023. The minutes and motion from that meeting are as follows:

4.1) Public hearing and recommendation of Ivory Development's request for review of the Holbrook Farms Area Plan Amendment changing the land use map and changing the location of residential units located at approximately Hudson Way and Redwood Road.

Brittney Harris presented information on the agenda item.

Kim Struthers clarified if there was a way on the corner to ensure it wasn't going to be large light industrial buildings, they are willing to commit on the corner to limitations of the scale of the building size.

The applicant, Spencer Moffit with Boyer Company, was present on behalf of Brad Mackay. They agreed to scale down their buildings and are hopeful to enhance the community.

Commission Chair Newall opened the public hearing.

Commission Chair Newall summarized the online comments that mostly consisted of parking.

Commission Chair Newall closed the public hearing.

> **Motion**: Commissioner Eyre moved to recommend approval of **Ivory Development's request for review of the Holbrook Farms Area Plan Amendment changing the land use map and changing the location of residential units located at approximately Hudson Way and Redwood Road**; including all DRC comments and findings stated in the report. Commissioner Jackson seconded.
>
> **Vote:** Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Carlson, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

Holbrook Farms Area Plan Amendment
DRC Redline Comments

Ivory Homes- requests review of Holbrook Farms Area Plan Amendment located at approximately Hudson Way and Redwood Road.

DRC Members Present: Glade Kirkham, Garion Rowett, Greg Allred, Jacob Hernandez, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer, Luke Seegmiller
Representatives of the Applicant Present: Brad Makay
Date of Plans Reviewed: **11/16/22**
Time Start: 10:05 AM
Time End: 10:23 AM

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire: No comments
Greg – Water/Sewer: No comments
Trent – Parks: No comments
Gary – Building/Inspections: No comments
Jacob – Public Works: No comments
Ross – Engineering:

1. *The units that are being proposed to move are within the same utility zone and can be accommodated with the existing infrastructure; can't move below the Utah Lake Distributing Canal*

Luke- Traffic: *No comments*
Kim – Planning:

2. *This does not seem like adequate parking based on existing demographics on the west side. Three bedrooms tend to have three roommates with separate cars. Parking is a huge complaint. And this reduction seems like it will exacerbate an existing problem.*
   Data or a well thought-out, detailed plan of how parking will be addressed and not create issues should be provided before any reduction in the required number or stalls should be considered.
3. On the density table, use "Estimated ERUs" instead of "Estimated Units".
4. On Note #2, specify that commercial uses must be service and retail related, and not office/warehouse.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION JANUARY 12TH. (PENDING ENVELOPES)

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: 12-2023

AN ORDINANCE APPROVING AND ADOPTING THE HOLBROOK FARMS AREA PLAN AMENDMENT

WHEREAS, it has become necessary to amend the Holbrook Farms Area Plan to relocate residential ERU's from the west side of Redwood Road to the east side of Redwood Road in the Holbrook Farms Area: and

WHEREAS, the Lehi City Council, acting pursuant to its authority and Utah Code, and in furtherance of its land use policies, goals, objectives, ordinances and other requirements, has made certain determinations with respect to the proposals for the Holbrook Farms Area Plan; all as set forth in that certain area plan designated as the Holbrook Farms Area Plan, a copy of which has been filed with the office of the Lehi City Planning Division;

WHEREAS, following a public hearing on January 12, 2023, the Lehi City Planning Commission reviewed the proposed Area Plan Amendment and forwarded a recommendation that the City Council adopt the proposed request; and

WHEREAS, on February 14, 2023, the City Council held a duly noticed meeting to ascertain the facts regarding this matter, which facts and comments are found in the public record and which include the staff report, minutes from the Planning Commission meeting of January 12, 2023, and the recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: (i) the request for an Area Plan 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:

SECTION 1. The Area Plan Amendment, hereby described as Exhibit A, shall be incorporated into the "Holbrook Farms Area Plan", copies of which are on file with the Planning Division of the Community Development Department.

SECTION 2. Unless specifically modified by the Holbrook Farms Area Plan, the owner of the Subject Property or its assigned agents will be required to comply with all applicable requirements of Lehi City necessary for approval of the Project, including payment of fees and compliance with applicable ordinances, regulations, policies and procedures of Lehi City including but not limited to, the Lehi City Municipal Code, the Lehi City Development Code, and the Lehi City Design Standards and Public Improvements Specifications.

SECTION 3. The action of the City undertaken hereby is administrative in nature, falling within the general purpose and policy of the General Plan and zoning ordinances, and pursuant to the provisions of the Lehi City Development Code, and the obligations and requirements imposed on the City by ordinance and agreement.

SECTION 4. If a provision of this Ordinance -2023 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.

SECTION 5. 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.

SECTION 6. This Ordinance adopting the Area Plan shall be effective immediately after being posted or published as required by law.

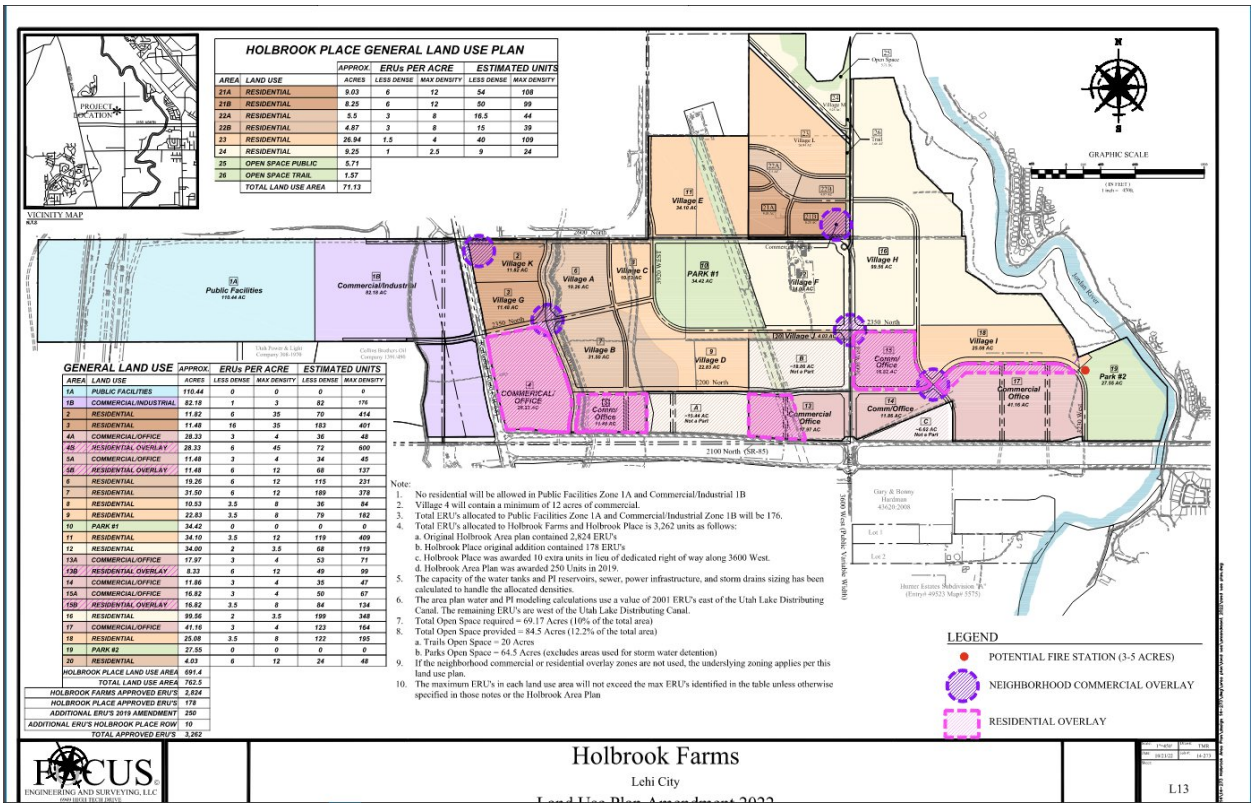
Approved and Adopted by the City Council of Lehi City this 14th day of February 2023.

ATTEST

_____ _____

Mark Johnson, Mayor Teisha Wilson, City Recorder

Exhibit A



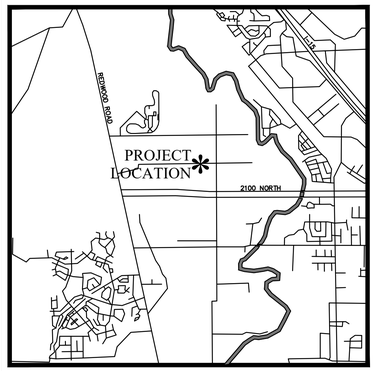
HOLBROOK PLACE GENERAL LAND USE PLAN		APPROX.	ERUs PER ACRE		ESTIMATED UNITS	
AREA	LAND USE	ACRES	LESS DENSE	MAX DENSITY	LESS DENSE	MAX DENSITY
21A	RESIDENTIAL	9.03	6	12	54	108
21B	RESIDENTIAL	8.25	6	12	50	99
22A	RESIDENTIAL	5.5	3	8	16.5	44
22B	RESIDENTIAL	4.87	3	8	15	39
23	RESIDENTIAL	26.94	1.5	4	40	109
24	RESIDENTIAL	9.25	1	2.5	9	24
25	OPEN SPACE PUBLIC	5.71				
26	OPEN SPACE TRAIL	1.57				
	TOTAL LAND USE AREA	71.13				

GENERAL LAND USE		APPROX.	ERUs PER ACRE		ESTIMATED UNITS	
AREA	LAND USE	ACRES	LESS DENSE	MAX DENSITY	LESS DENSE	MAX DENSITY
1A	PUBLIC FACILITIES	110.44	0	0	0	0
1B	COMMERCIAL/INDUSTRIAL	82.18	1	3	82	176
2	RESIDENTIAL	11.82	6	35	70	414
3	RESIDENTIAL	11.48	16	35	183	401
4A	COMMERCIAL/OFFICE	28.33	3	4	36	48
4B	RESIDENTIAL OVERLAY	28.33	6	45	72	600
5A	COMMERCIAL/OFFICE	11.48	3	4	34	45
5B	RESIDENTIAL OVERLAY	11.48	6	12	68	137
6	RESIDENTIAL	19.26	6	12	115	231
7	RESIDENTIAL	31.50	6	12	189	378
8	RESIDENTIAL	10.53	3.5	8	36	84
9	RESIDENTIAL	22.83	3.5	8	79	182
10	PARK #1	34.42	0	0	0	0
11	RESIDENTIAL	34.10	3.5	12	119	409
12	RESIDENTIAL	34.00	2	3.5	68	119
13A	COMMERCIAL/OFFICE	17.97	3	4	53	71
13B	RESIDENTIAL OVERLAY	8.33	6	12	49	99
14	COMMERCIAL/OFFICE	11.86	3	4	35	47
15A	COMMERCIAL/OFFICE	16.82	3	4	50	67
15B	RESIDENTIAL OVERLAY	16.82	3.5	8	84	134
16	RESIDENTIAL	99.56	2	3.5	199	348
17	COMMERCIAL/OFFICE	41.16	3	4	123	164
18	RESIDENTIAL	25.08	3.5	8	122	195
19	PARK #2	27.55	0	0	0	0
20	RESIDENTIAL	4.03	6	12	24	48
	HOLBROOK PLACE LAND USE AREA	691.4				
	TOTAL LAND USE AREA	763.5				
HOLBROOK FARMS APPROVED ERU'S		2,824				
HOLBROOK PLACE APPROVED ERU'S		178				
ADDITIONAL ERU'S 2019 AMENDMENT		250				
ADDITIONAL ERU'S HOLBROOK PLACE ROW		10				
TOTAL APPROVED ERU'S		3,262				

Holbrook Farms

Area Plan Amendment

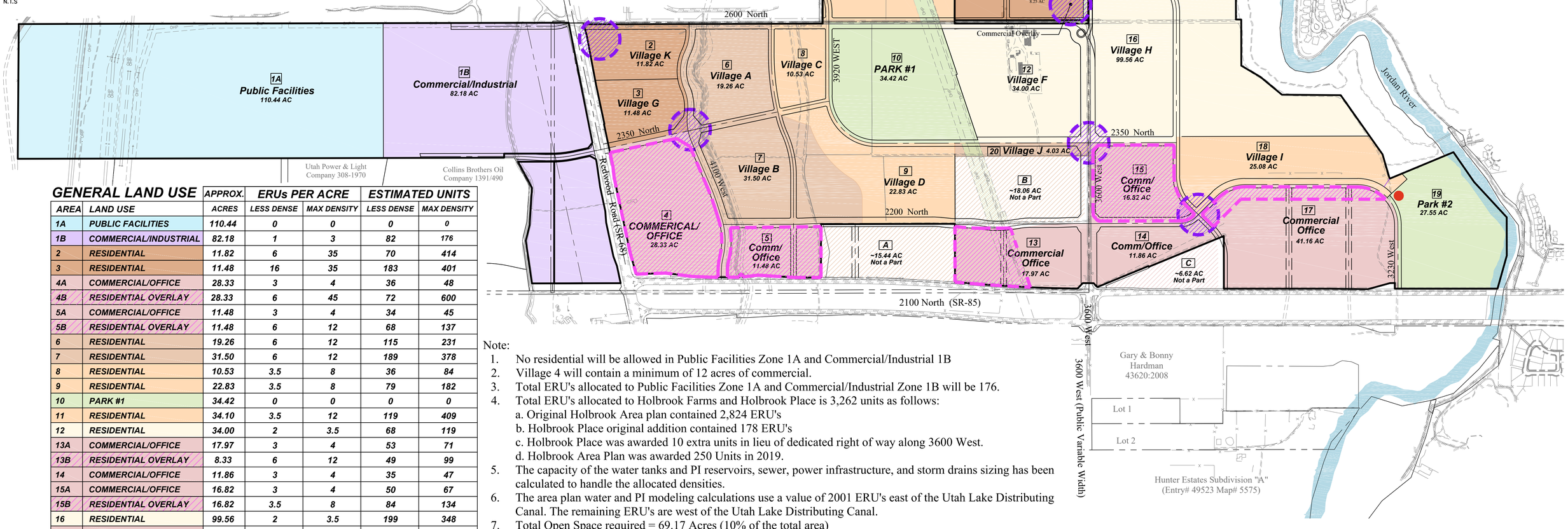
The proposed amendment to Holbrook Farms approved area plan is being requested at the request of the Lehi City planning staff. The request is proposed to limit the residential ERU's in Holbrook Farms to be only on the east side of Redwood Road. The remaining area of the west side of Holbrook Farms will be industrial buildings. All the remaining ERU's for residential will be moved to the east side of Redwood Road into the Village 4 area. The overall unit count will not change with the proposed amendment. The overall utility design and capacity will remain unchanged. The new changes will be suitable and work together with the existing uses previously identified in the approved area plan to make the community a better place for the overall community with the diversity of product. The overall public health, safety, and welfare of the overall community will not be impacted any differently than the approved area plan.



VICINITY MAP
N.T.S

HOLBROOK PLACE GENERAL LAND USE PLAN

AREA	LAND USE	APPROX. ACRES	ERUs PER ACRE LESS DENSE	ERUs PER ACRE MAX DENSITY	ESTIMATED UNITS LESS DENSE	ESTIMATED UNITS MAX DENSITY
21A	RESIDENTIAL	9.03	6	12	54	108
21B	RESIDENTIAL	8.25	6	12	50	99
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24	RESIDENTIAL	9.25	1	2.5	9	24
25	OPEN SPACE PUBLIC	5.71				
26	OPEN SPACE TRAIL	1.57				
	TOTAL LAND USE AREA	71.13				



GENERAL LAND USE

AREA	LAND USE	APPROX. ACRES	ERUs PER ACRE LESS DENSE	ERUs PER ACRE MAX DENSITY	ESTIMATED UNITS LESS DENSE	ESTIMATED UNITS MAX DENSITY
1A	PUBLIC FACILITIES	110.44	0	0	0	0
1B	COMMERCIAL/INDUSTRIAL	82.18	1	3	82	176
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	TOTAL LAND USE AREA	762.5				

HOLBROOK FARMS APPROVED ERU'S	2,824
HOLBROOK PLACE APPROVED ERU'S	178
ADDITIONAL ERU'S 2019 AMENDMENT	250
ADDITIONAL ERU'S HOLBROOK PLACE ROW	10
TOTAL APPROVED ERU'S	3,262

Note:

1. No residential will be allowed in Public Facilities Zone 1A and Commercial/Industrial 1B
2. Village 4 will contain a minimum of 12 acres of commercial.
3. Total ERU's allocated to Public Facilities Zone 1A and Commercial/Industrial Zone 1B will be 176.
4. Total ERU's allocated to Holbrook Farms and Holbrook Place is 3,262 units as follows:
   a. Original Holbrook Area plan contained 2,824 ERU's
   b. Holbrook Place original addition contained 178 ERU's
   c. Holbrook Place was awarded 10 extra units in lieu of dedicated right of way along 3600 West.
   d. Holbrook Area Plan was awarded 250 Units in 2019.
5. The capacity of the water tanks and PI reservoirs, sewer, power infrastructure, and storm drains sizing has been calculated to handle the allocated densities.
6. The area plan water and PI modeling calculations use a value of 2001 ERU's east of the Utah Lake Distributing Canal. The remaining ERU's are west of the Utah Lake Distributing Canal.
7. Total Open Space required = 69.17 Acres (10% of the total area)
8. Total Open Space provided = 84.5 Acres (12.2% of the total area)
   a. Trails Open Space = 20 Acres
   b. Parks Open Space = 64.5 Acres (excludes areas used for storm water detention)
9. If the neighborhood commercial or residential overlay zones are not used, the underslying zoning applies per this land use plan.
10. The maximum ERU's in each land use area will not exceed the max ERU's identified in the table unless otherwise specified in those notes or the Holbrook Area Plan

LEGEND

- POTENTIAL FIRE STATION (3-5 ACRES)
- NEIGHBORHOOD COMMERCIAL OVERLAY
- RESIDENTIAL OVERLAY

FOCUS ©
ENGINEERING AND SURVEYING, LLC
6949 HIGH TECH DRIVE
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

Holbrook Farms

Lehi City

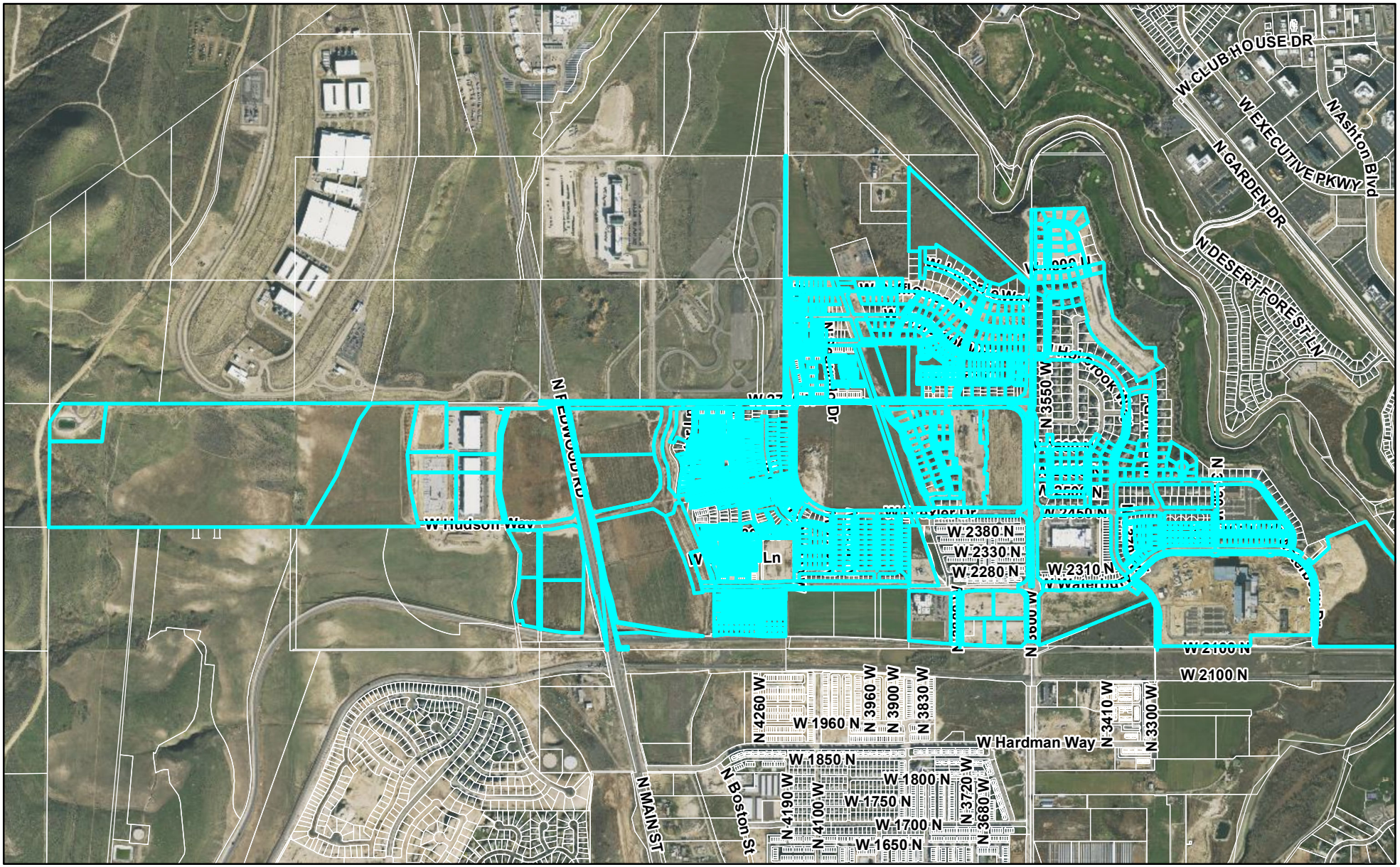
Land Use Plan Amendment 2022

Scale:	1"=450'
Drawn:	TMR
Date:	10/21/22
Job #:	14-273
Sheet:	L13

Z:_2014\14-273 Holbrook Area Plan\design 14-273\dwg\area plan\land use\amendment 2022\land use plan.dwg

Holbrook Farms Area Plan Amendment

Aerial



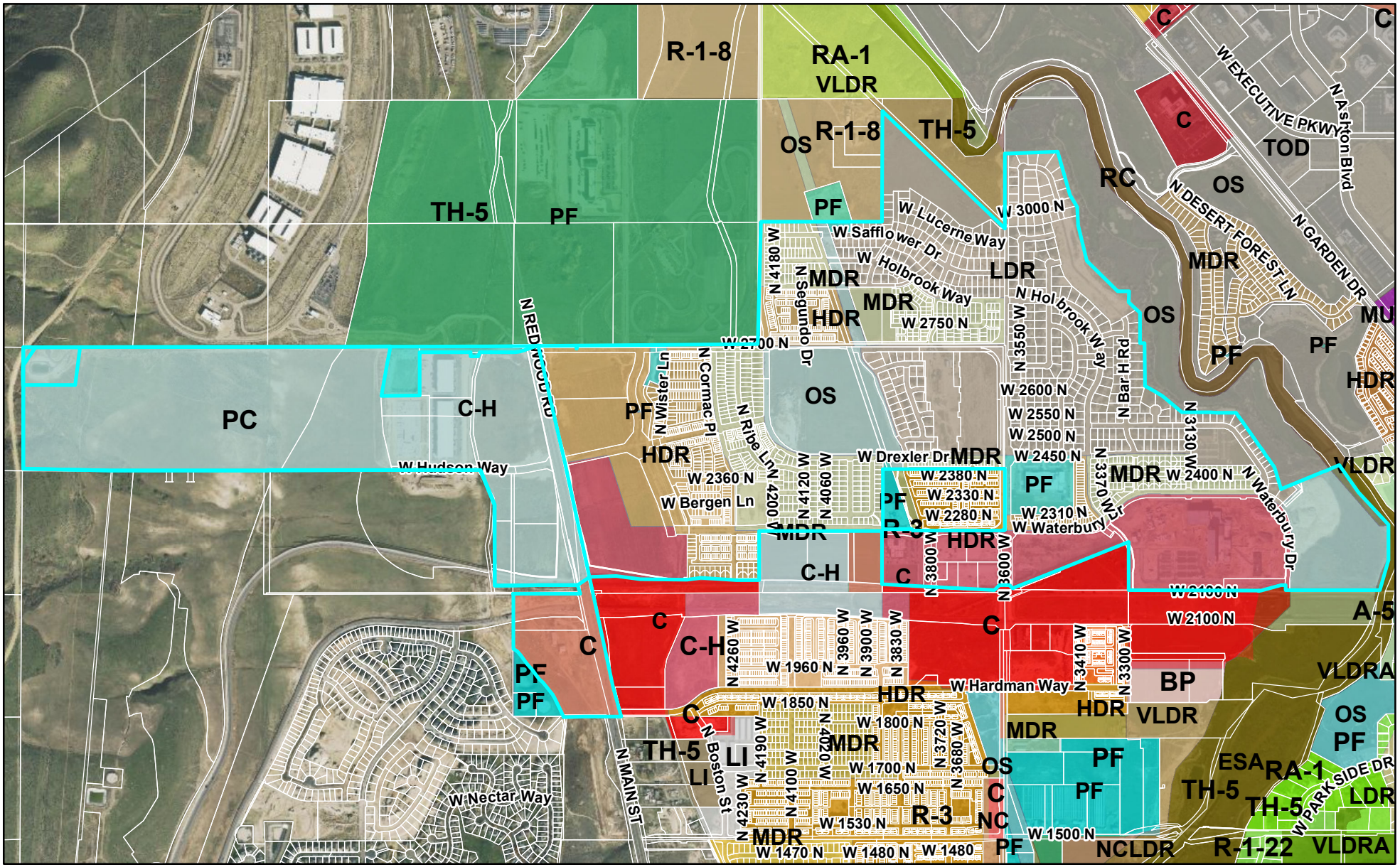
Feet

0 1,750 3,500

LEHI CITY

Holbrook Farms Area Plan Amendment

General Plan

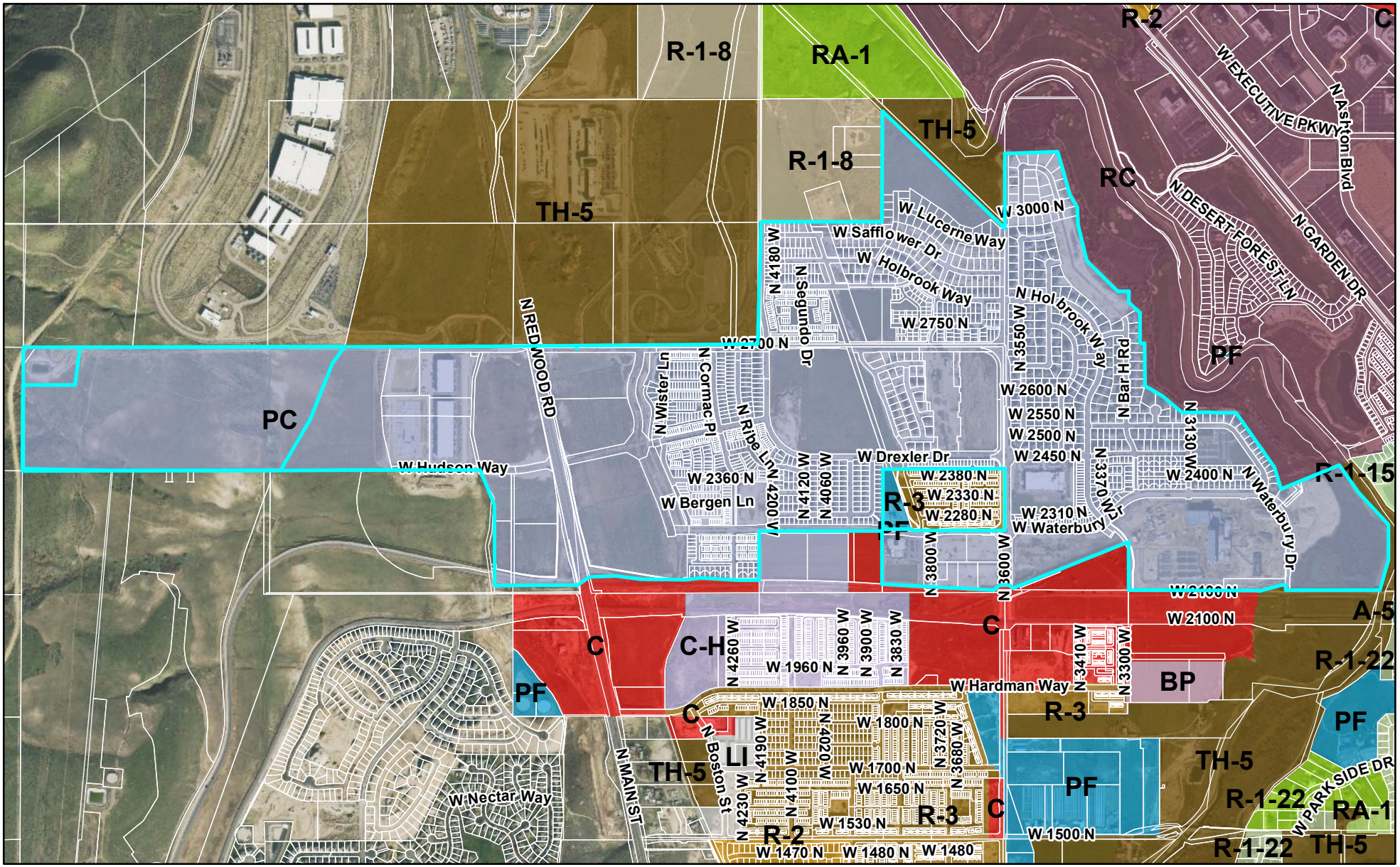


0 1,750 3,500 Feet

LEHI CITY

Holbrook Farms Area Plan Amendment

Zoning



0 1,750 3,500 Feet

LEHI CITY

Agenda Item No: 8

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Katie Bussell
Submitting Department: Planning Division
Item Type: Ordinance
Agenda Section: Regular Agenda

Subject:
Consideration of Ordinance #13-2023, approving the Mammoth Zone Change on 1.95-acres located at approximately at 26 South 2300 West changing the zoning from TH-5 (transitional holding) to Commercial.

Suggested Action:

Attachments:

CC Staff Report Wiggy Wash Zone Change 02.14.23.docx

Mammoth Zone Change DRC 02.16.22.docx

Ord 13-2023.docx

Mammoth Car Wash Zone Change - narrative.pdf

Wiggy Wash Concept Resubmittal 1.4.23.pdf

Zone change map.pdf

Aerial.pdf

General plan map.pdf

WIGGY WASH ZONE CHANGE

CITY COUNCIL REPORT

Applicant	Mammoth Holdings		
Meeting Date	February 14, 2023		
Requested Action/Purpose	Approval of a proposed zone change		
Location	26 South 2300 West		
Acreage	1.94 acres		
Existing Zoning	TH-5		
Existing General Plan Land Use Designation	Commercial		
Proposed Zoning Designation	Commercial		
Existing Land Use	Single-family home		
Adjacent Zoning and Land Use	*North*	Commercial	Commercial
	South	R-2	Single-family home
	East	PC	Single-family homes
	West	A-5	Agriculture
Date of DRC Review	February 16, 2022		
Date of Planning Commission Review	January 12th, 2023		
Assigned Planner	Katie Bussell		

REQUIRED ACTION

Planning Commission	Public hearing, review, and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

From 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

July 1st, 2004 The property was part of the Evans Properties annexation.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

Commercial – The Commercial land use classification is to provide controlled and compatible locations for retail, office, business, and other commercial activities. The classification is intended to enhance employment opportunities, encourage the efficient use of land, enhance property values and the City tax base, and ensure high quality design and function of commercial areas. The Commercial classification may typically include retain sales and services, offices, and institutional uses.

REPORT ANALYSIS

The applicant is seeking review and recommendation of a proposed zone change from TH-5 to Commercial located at 26 South 2300 West. The proposed zone change matches the General Plan designation of Commercial for the property. The car wash would complement the nearby gas station and provide residents with a facility to wash their vehicles in a safe manner.

DRC Comments

There were two comments from the DRC, both of which were informational to the applicant. They are listed below:

1. The zone change meets the general plan
2. As a condition of recording the zone change ordinance, the applicant will need to provide water dedication per Chapter 27 of the Development Code. The rate for the Commercial Zone is 1.35 acre feet per acre of culinary water and 1.25 acre feet per acre of irrigation water.

POSSIBLE MOTIONS AND FINDINGS

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

1. The proposed zone change is in accordance with the approved General Plan Land Use designations.
2. The proposed zone change complies/does not comply with the goals and policies of the General Plan.
3. The effect of the proposed amendment on the character of the surrounding area.
4. Whether a change in the ruses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties.
5. The overall community benefit of the proposed amendment.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed zone change on January 12, 2023. The minutes and motion from that meeting follow:

4.4) Public hearing and recommendation of Mammoth Holding's request for approval of the zone change, 1.95-acres located at approximately at 26 South 2300 West changing the zoning from TH-5 (transitional holding) to Commercial.

4.5) Public hearing and consideration of Mammoth Holding's request for approval of the Wiggy Wash car wash concept plan located at 26 South 2300 West.

Brittney Harris presented 4.4 and 4.5 simultaneously.

The applicant, Brent Wignall, was present. Commissioner Everett asked why they wanted this site for this use. Mr. Wignall stated he has seen this property for a long time and had thought it would be a great asset to Lehi and a car wash would be a great asset.

Commission Chair Newall opened public hearing to 4.4

Commission Chair Newall closed public hearing to 4.4

Commission Chair Newall opened public hearing to 4.5

Commission Chair Newall acknowledged the online comment.

Commission Chair Newall closed the public hearing to 4.5

Commissioner Carlson asked about road access. The applicant stated there are triggers that have to be met before the purchase of the property is solidified. The applicant answered clarifying questions regarding noise and light pollution, stacking, and water usage. The home was built in the early 1900's and Commissioner Jackson would like to know if the applicant had a chance to talk to the historical society with the home being so old.

Commissioner Everett asked with the proposed ingress/egress if it lined up with the 7-11 across the drive and if it was allowed. Ross Dinsdale stated it would be allowed.

> **Motion for 4.4**: Commissioner Bunker moved to recommend approval of **Mammoth Holding's request for approval of the zone change, 1.95-acres located at approximately at 26 South 2300 West changing the zoning from TH-5 (transitional holding) to Commercial;** including all DRC comments and findings stated in the report. Commissioner Jackson seconded.
>
> **Vote:** Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Carlson, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.
>
> **Motion for 4.5**: Commissioner Bunker moved to approve **Mammoth Holding's request for approval of the Wiggy Wash car wash concept plan located at 26 South 2300 West;** including all DRC comments and findings stated in the report. Also recommending the applicant meet with the Local Historical Society for preservation of the building. Commissioner Eyre seconded.
>
> **Vote:** Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Carlson, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

Mammoth Zone Change
DRC Redline Comments

*Joe Bermudez – requests review of the **Mammoth Zone Change**, amending the zoning of 1.95 acres from TH-5 to Commercial on 26 South 2300 West.*

DRC Members Present: Glade Kirkham, Garion Rowett, Greg Allred, Matthew Meier, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer, Luke Seegmiller
Representatives of the Applicant Present: Joe Bermudez
Date of Plans Reviewed: 2/8/22
Time Start: 1:38 PM
Time End: 1:45 PM

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire: No comments
Greg – Water/Sewer: No comments
Trent – Parks: No comments
Gary – Building/Inspections: No comments
Matt – Public Works: No comments
Ross – Engineering:
1. The zone change meets the general plan

Luke- Traffic: No comments
Kim – Planning:
2. As a condition of recording the zone change ordinance, the applicant will need to provide water dedication per Chapter 27 of the Development Code. The rate for the Commercial Zone is 1.35 acre feet per acre of culinary water and 1.25 acre feet per acre of irrigation water.

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 WILL BE SCHEDULED FOR PLANNING COMMISSION ON MARCH 10TH

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: 13-2023

AN ORDINANCE APPROVING A ZONE DISTRICT DESIGNATION AMENDMENT AND ZONING DISTRICT MAP AMENDMENT LOCATED AT APPROXIMATELY 26 SOUTH 2300 WEST

WHEREAS, Wesley Gurney, owner of property located at approximately 26 South 2300 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 C (Commercial); and

WHEREAS, following a public hearing on January 12, 2023, 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 14, 2023, 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 12, 2023; 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 property described on Exhibit "A" are hereby amended to Commercial.

PART II:

A. If a provision of this Ordinance 13 -2023 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 14th day of February 2023.

ATTEST

_____	_____
Mark Johnson, Mayor	Teisha Wilson, City Recorder

EXHIBIT “A”

MAMMOTH HOLDINGS ZONE CHANGE

COM S 1529.33 FT & W 19.79 FT FR NE COR. SEC. 13, T5S, R1W, SLB&M.; N 89 DEG 41' 29" W 281.71 FT; S 0 DEG 38' 42" W 149.39 FT; S 89 DEG 21' 20" E 303.19 FT; S 89 DEG 21' 20" E 266.29 FT; N 0 DEG 2' 40" E 117.41 FT; N 89 DEG 57' 19" W 1.22 FT; N 16 DEG 18' 0" W 17.86 FT; N 48 DEG 20' 48" W 16.95 FT; N 65 DEG 52' 42" W 8.05 FT; S 79 DEG 57' 33" W 1.4 FT; N 89 DEG 41' 29" W 218.58 FT; N 83 DEG 58' 51" W 40.2 FT TO BEG. AREA 1.940 AC.

To: City of Lehi
Planning Commission
153 North 100 East
Lehi, UT 84043

From: Sevan Multisite Solutions
On Behalf of Mammoth Holdings, LLC.

Re: Proposed Tunnel Carwash Parcel # 58-030-0086 - 26 S 2300 W, Lehi, UT

To Whom It May Concern,

We would like to formally apply for a Zoning Amendment for this parcel which is currently zoned as TH-5 to a C (Commercial) classification so that we may build a new express tunnel car wash with vacuum stall amenities.

Recently the General Plan Amendment has transitioned the property to allow commercial use and this property does neighbor a commercial parcel to the north and would complement the 7-11 Gas Station and provide residents a facility to wash their vehicles in a safe manner. (See reference map 1 below).

This parcel neighbors a Commercial Zone, R-2, & A-5 zone across Main St. to the North, Planned Community to the East across 2300 West/Saratoga Road which houses a 7-11 gas station/convenient store, R-2 residential units to the south, and an unincorporated lot to the West which has a home on it. (See reference map 2 below).

The Car Wash will have a parking lot designed to mitigate storm and waste waters in an environmentally conscious manner while providing complimentary landscaping to an existing undeveloped lot with unkept lawn & bushes. There will be vacuum stalls within the lot to allow customers to clean out their vehicles with trash receptacles at each stall so solid waste is gathered and disposed properly.

Developing this lot will lead to jobs for residents, income to the city and increased value to our neighbors by having a well-maintained modern development that will work to complement our neighbors and provide landscaping to beautify public spaces.

Please do not hesitate to reach out if you have preliminary comments or concerns. I am working on behalf of Mammoth Holdings, LLC. and can be reached any time via e-mail at Joseph.Bermudez@sevansolutions.com or via phone at 253-508-3104.

Cordially,

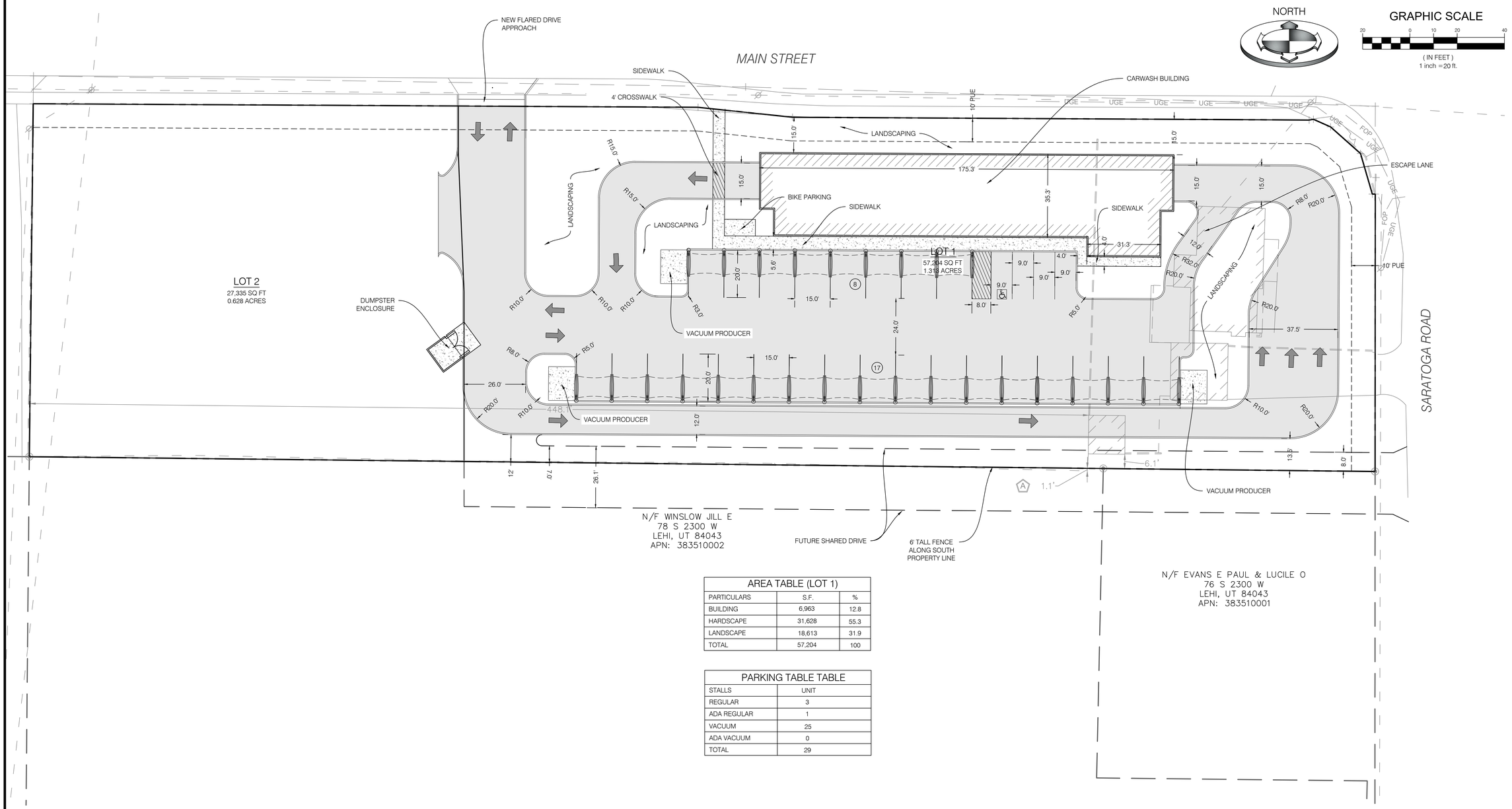
Joe Bermudez
Project Manager
Sevan Multisite Solutions

Reference Map 1: (General Plan Map)



Reference Map 2: (Zoning Classifications)





AREA TABLE (LOT 1)		
PARTICULARS	S.F.	%
BUILDING	6,963	12.8
HARDSCAPE	31,628	55.3
LANDSCAPE	18,613	31.9
TOTAL	57,204	100

PARKING TABLE TABLE	
STALLS	UNIT
REGULAR	3
ADA REGULAR	1
VACUUM	25
ADA VACUUM	0
TOTAL	29

NOTE:
THE CONCEPTUAL PLANS PROVIDED ARE NOT REPRESENTATIVE OF A COMPLETE OR FINAL DESIGN. IT IS YOUR RESPONSIBILITY TO CONTRACT WITH A PROFESSIONAL THAT IS LICENSED IN THIS STATE TO COMPLETE A DESIGN THAT CONFORMS TO REQUIRED LOT SIZES, SETBACKS, ROAD WIDTHS, UTILITIES, CITY ORDINANCES, ETC. THE RECIPIENT ASSUMES FULL RESPONSIBILITY AND HOLDS BENCHMARK ENGINEERING AND LAND SURVEYING, LLC HARMLESS OF ANY AND ALL LOSSES OR DAMAGES RESULTING FROM YOUR USE OF THIS DATA. THE USER OF THIS DATA FURTHER AGREES TO HOLD HARMLESS, INDEMNIFY AND DEFEND BENCHMARK ENGINEERING AND LAND SURVEYING, LLC, AND ITS CONSULTANTS FROM AND AGAINST ALL CLAIMS WHICH MIGHT ARISE FROM THE MISUSE OF THE INFORMATION PROVIDED HEREIN.

No.	DESCRIPTION	DATE

DRAWN BY: FBA
CHECKED BY: DKB
RECISION: SURVEY
DATE: 12/20/2022
DWG. FILE: CONCEPT

SCALE IS ADJUSTED 1 INCH ON FULL SIZE SHEETS
ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS

0 0.5 1

BENCHMARK ENGINEERING & LAND SURVEYING
9150 SOUTH STATE STREET SUITE # 100
SANDY, UTAH 84070 (801) 542-1182
www.benchmarkcivil.com

BENCHMARK CIVIL

MAMMOTH HOLDING

26 S 2300 W
LEHI, UTAH

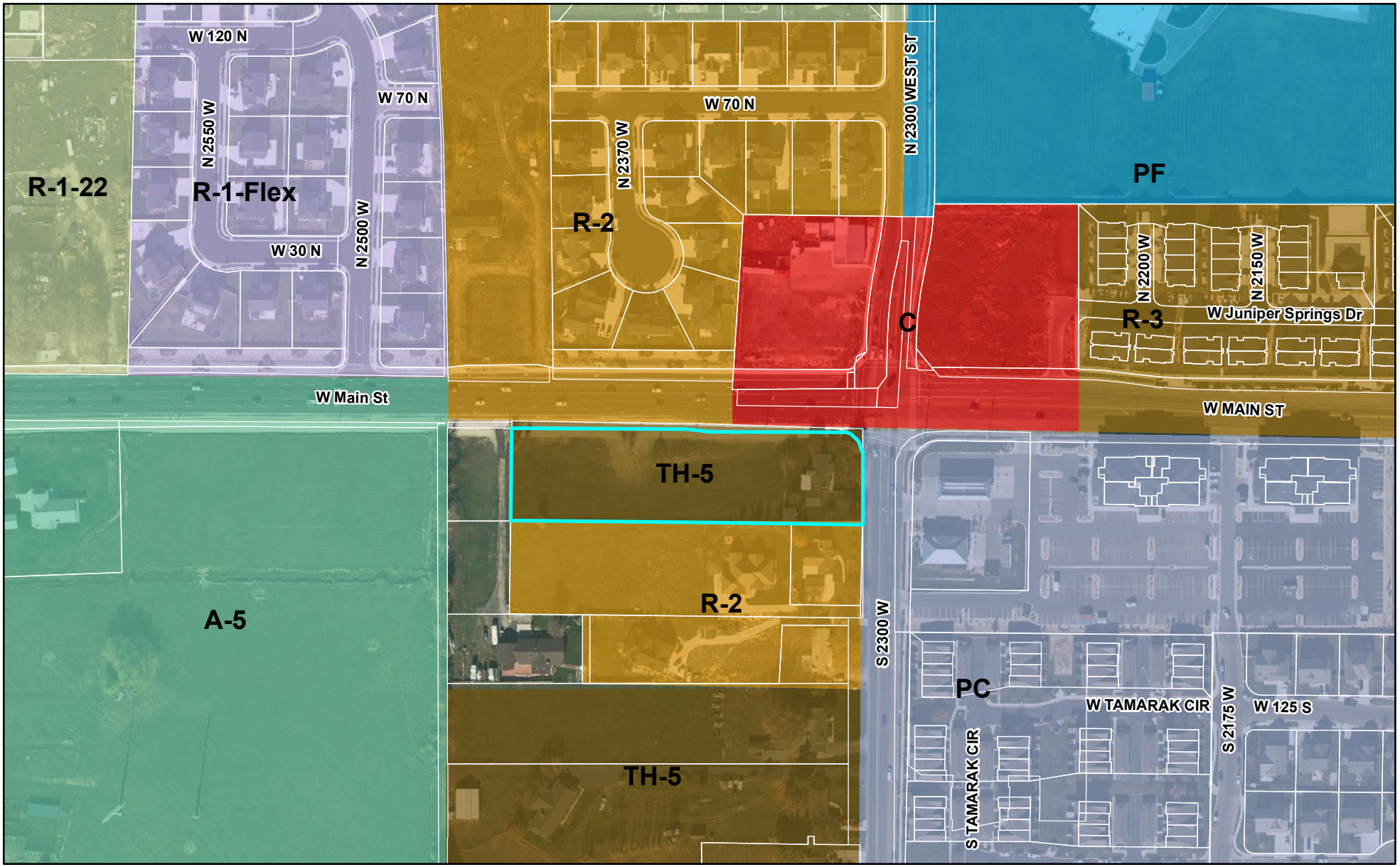
PROJECT NO. CONCEPT

CONCEPT

CONCEPT
1 OF 1

Wiggy Wash Zone Change

Zoning



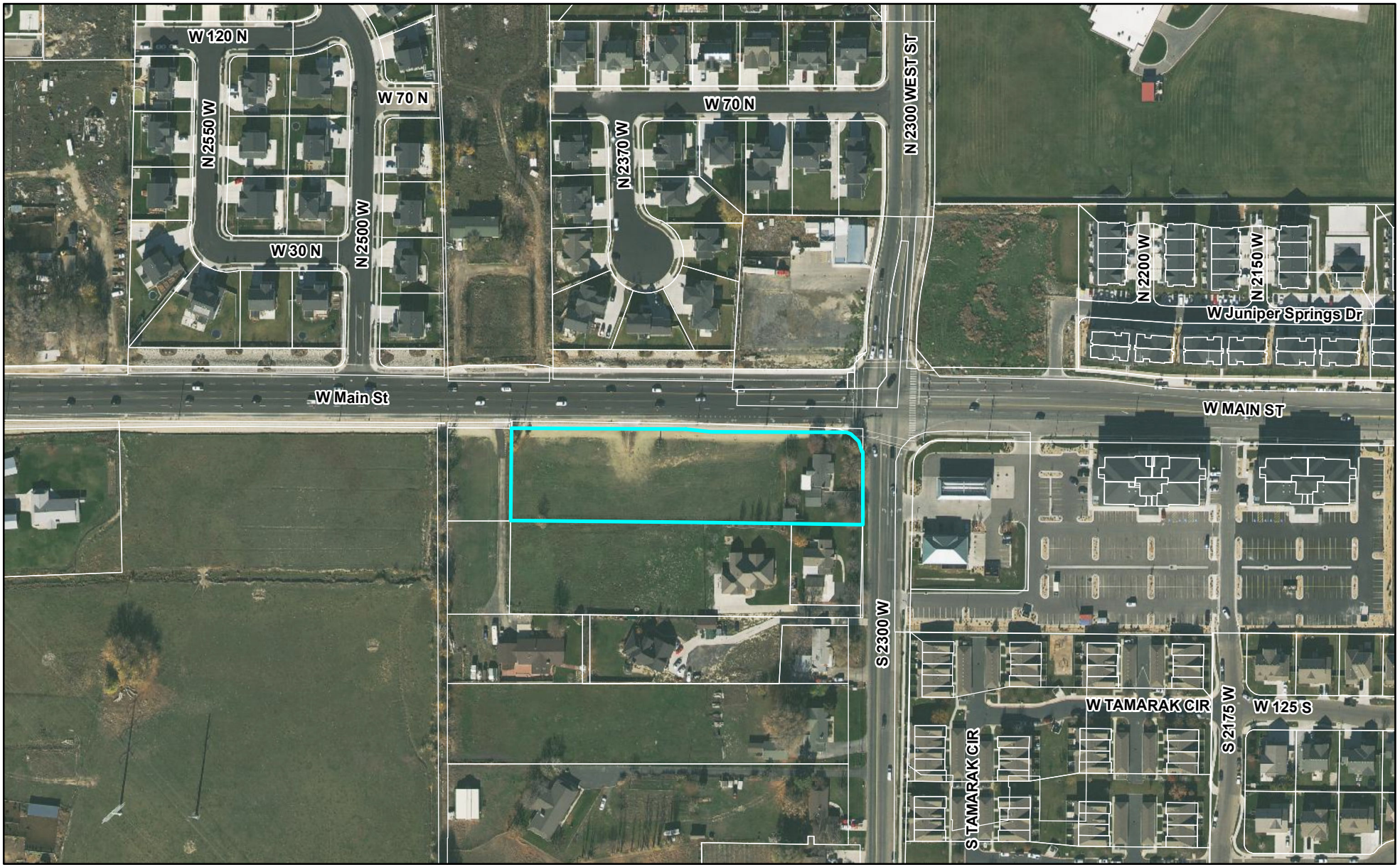
Feet

0 260 520

LEHI CITY

Wiggy Wash Zone Change

Aerial

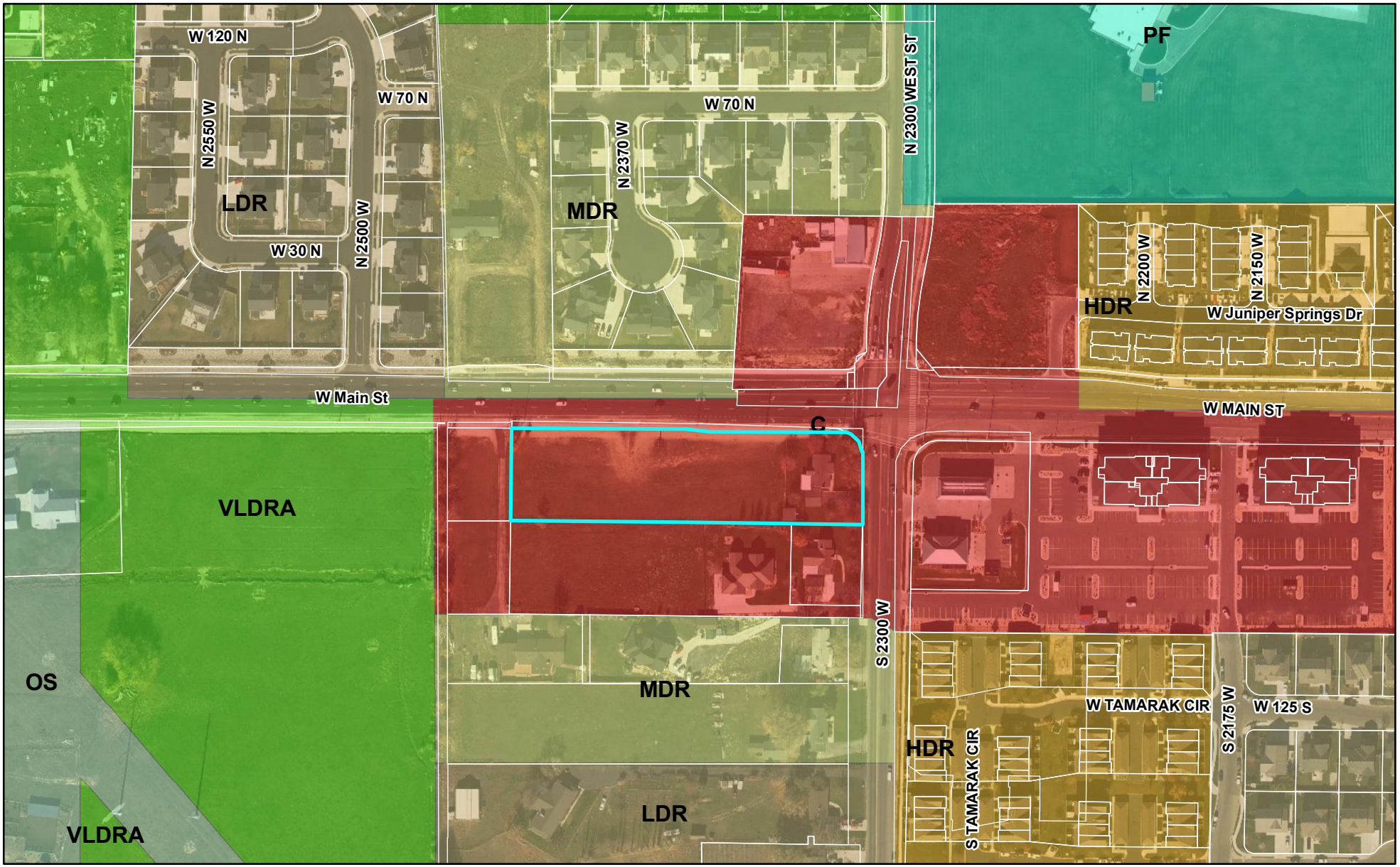


0 260 520 Feet

LEHI CITY

Wiggy Wash Zone Change

General Plan



LEHI CITY

Agenda Item No: 9

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Jacob Curtis
Submitting Department: Planning Division
Item Type: Resolution
Agenda Section: Regular Agenda

Subject:
Consideration of Resolution #2023-08, approving a Development Agreement for the Good and the Beautiful development located at approximately 700 South Mill Pond Road.

Suggested Action:

Attachments:

Res 2023-08.docx

Development Agreement-Good and the Beautiful.docx

LEHI CITY

RESOLUTION NO. 2023-08

A RESOLUTION OF THE LEHI CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT BETWEEN DANIEL PHILLIPS AND LEHI CITY

WHEREAS, Daniel Phillips ("Developer") has a legal interest in certain real property and desires to develop a commercial project on the property;

WHEREAS, On November 15, 2022, the City Council discussed the Developer's proposed General Plan Amendment, the Developer withdrew the application, and the City Council directed City staff to prepare a development agreement that would allow the proposed uses in the Mixed-Use designation in the current General Plan designation and MU Zone as permitted uses;

WHEREAS, on February 14, 2023, the 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 the Development Agreement with Daniel Phillips; 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 Development Agreement 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 14th day of February, 2023.

LEHI CITY

_____

Mark Johnson, Mayor

ATTEST

_____

Teisha Wilson, City Recorder

EXHIBIT A

THE GOOD AND THE BEAUTIFUL DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT ("Agreement") effective as of the date the last Party signs below ("Effective Date") by and among Lehi City, a political subdivision of the State of Utah ("City") and Daniel Phillips whose principal place of business is located at 762 W Herald Dr, Saratoga Springs 84045. ("Developer"). The City and the Developer are hereinafter referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. City, acting pursuant to its authority under Municipal Land Use, Development, and Management Act, Utah Code Ann. §§ 10-9a-101, -803, as amended, and in furtherance of its land use policies, goals, objectives, ordinances, and regulations of Lehi City, in the exercise of its legislative discretion, has elected to approve and enter into this Agreement.

B. Developer has a legal interest in certain real property, as described in Exhibit A attached hereto (Exhibit "A") and has an approved concept plan for the Good and Beautiful building including retail sales, recital hall, plaza and office/warehouse ("Approved Use") on the property.

C. On February 14, 2023, the City Council will consider the Good and the Beautiful Zone Change to Mixed-Use (MU) and previously directed staff to work on this Agreement to limit MU development on this site in accordance with the terms and conditions set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, covenants, and provisions set forth herein, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1

1.1 Use Approval. The City agrees, and this Agreement confirms that, in addition to other uses allowed in the Mixed Use Zone, Office/Warehouse (the Approved Use), shall be allowed as an approved Use in the Mixed Use Zone on the property as of the Effective Date of this Agreement, subject to the terms of this Agreement.

ARTICLE 2

2.1 Developer agrees to the following:

2.1.1 Development on the south portion of the property shall be substantially similar to what is shown on the Good and the Beautiful Concept Plan shown as Exhibit B including a retail store area, recital hall, and plaza.

2.1.2 The northern portion of the property (future development north of the Good and the Beautiful building) can also have an Office/Warehouse use, but building size shall not exceed 50,000 square feet, and the architecture and quality of the building(s) shall be similar to the Good and the Beautiful building. If the existing ditch between the northern portion and the Good and Beautiful building is relocated, then the future building may be attached to the existing building as long as the additional size of office/warehouse space in the future building does not exceed 50,000 square feet.

2.1.3 All buildings shall meet the site design and architectural standards of the Mill Pond Design District in Chapter 37 of the Lehi City Development Code.

2.1.4 Developer agrees to work with the City on the master planned Mill Pond Trail, and will provide the necessary right-of-way or easements for portions of the trail within their property boundaries as described in the description portion of the agreement (see Exhibit A) and complete construction of the trail at the Developer's cost.

2.1.5 Developer will meet the water dedication requirements of Chapter 27 of the Development Code in order to develop the Approved Use of the property. Prior to filing a Site Plan Application, Developer will dedicate water for the property at a rate of 1.35 acre feet of culinary water per acre of property and 1.25 acre feet of irrigation water per acre of property on the property currently zoned as A-5 Agriculture.

2.2 Condition Precedent. As a condition precedent to the obligations of the Parties hereunder, this Agreement is contingent upon and shall only become effective at such time, and in the event that, the City Council, in the independent exercise of its legislative discretion, elects to approve the Zone Change. This Agreement is not intended to and does not affect or in any way bind or supersede the independent exercise of legislative discretion by the City Council in deciding whether to approve or deny the Zone Change.

2.3 This Agreement will terminate without further action by either party if Developer has not received a Building Permit for the Good and Beautiful building within two years of the Effective Date of this Agreement ("Termination Date"). If Developer is making reasonable progress toward completion, Developer may request an extension of the Termination Date of up to one additional year. Developer must make the request within 60 days of the Termination Date, and the City will not unreasonably withhold or delay granting such extension.

ARTICLE 3

3.1 Breach and Cure. Any material failure by any Party to perform any term or provision of this Agreement, which breach continues uncured for a period of ten (10) days following written notice of such failure from the non-defaulting Party, unless such period is extended by written mutual consent, shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged breach and, where appropriate, the manner in which said breach satisfactorily may be cured. If the nature of the alleged breach is such that it cannot reasonably be cured within such 10-day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 10-day period. Upon the occurrence

of an uncured breach or default under this Agreement as described above, the non-defaulting party may terminate this Agreement by written notice to the breaching party, and the non-defaulting Party may pursue any and all available legal or equitable remedies.

ARTICLE 4

4.1 Indemnification. Developer agrees to indemnify, hold harmless and defend the City from and against any and all loss, damage, or expense which the City may suffer or for which the City may be held liable by reason of any injury (including death) or damage to any property to the extent arising out of the Developer's breach of this Agreement. This indemnity provision shall not apply to claims arising from or attributable to the negligence or intentional conduct of the City.

4.2 No Agency, Joint Venture or Partnership. It is specifically understood and agreed to by and between the Parties that this Agreement does not create any form of agency relationship, joint venture, or partnership expressed or implied between them.

4.3 Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

4.4 Other Necessary Acts. Each Party shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.

4.5 Construction/Interpretation. The Parties acknowledge that each has had the opportunity to have this Agreement reviewed and revised by legal counsel and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

4.6 Other Miscellaneous Terms. The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

4.7 Waiver. No action taken by any Party shall be deemed to constitute a waiver of compliance by such Party with respect to any representation, warranty, or condition contained in this Agreement. Any waiver by any Party of a breach of any provision of this Agreement shall not operate or be construed as a waiver by such Party of any subsequent breach, except as outlined in Article 4.1 above.

4.8 Utah Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

4.9 Covenant of Good Faith and Fair Dealing. Each Party shall use its best efforts and take and employ all necessary actions in good faith consistent with this Agreement to ensure that the rights secured by the other Parties through this Agreement can be enjoyed.

4.10 Representations. Each Party hereby represents and warrants to each other Party that the following statements are true, complete and not misleading as regards the representing warranting Party;

(a) Such Party is duly organized, validly existing and in good standing under the laws of the state of its organization.

(b) Such Party has full authority to enter into this Agreement and to perform all of its obligations hereunder. The individual(s) executing this Agreement on behalf of such Party do so with the full authority of the Party that those individual(s) represent.

(c) This Agreement constitutes the legal, valid and binding obligation of such Party enforceable in accordance with its terms, subject to the rules of bankruptcy, moratorium and equitable principles.

4.11 No Third-Party Beneficiaries. This Agreement is between the City and the Developer. No other party shall be deemed a third-party beneficiary or have any rights under this Agreement.

4.12 Force Majeure. No liability or breach of this Agreement shall result from delay in performance or nonperformance caused, directly or indirectly, by circumstances beyond the reasonable control of the Party affected ("Force Majeure"), including, but not limited to, fire, extreme weather, terrorism, explosion, flood, war, power interruptions, pandemics and related governmental restrictions or actions, the act of other governmental bodies, accident, labor trouble or the shortage or inability to obtain material, service, personnel, equipment or transportation, failure of performance by a common carrier, failure of performance by a public utility, or vandalism.

4.13 Notices.

Any notice or communication required hereunder between the parties must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. Any Party may at any time, by giving ten (10) days written notice to the other Party, designate any other address to which notices or communications shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to the City:
The Honorable Mayor Mark Johnson
Lehi City
153 North 100 East
Lehi, UT 84043

With Copies to:
Ryan Wood
Lehi City Attorney
153 North 100 East
Lehi, UT 84043

If to Developer:
Daniel Phillips
762 W Herald Dr
Saratoga Springs 84045

4.14 Entire Agreement, Counterparts and Exhibits. Unless otherwise noted herein, this Agreement is the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer. This Agreement may only be modified as mutually agreed by both Parties in a writing signed by appropriate authorities of City and Developer.

4.15 Non-Assignability. This Agreement shall not be assignable by Developer except upon the express written consent of the City in its sole discretion; provided however, that Developer may fully assign this Agreement to its corporate parent, a corporate affiliate or a subsidiary.

[Remainder of page intentionally left blank; signature page to follow]

IN WITNESS WHEREOF, this Agreement has been entered into by and between City, and Developer as of the Effective Date.

LEHI CITY CORPORATION

_____

By: Mark Johnson
Its: Mayor

ATTEST:

_____

Teisha Wilson
City Recorder

Daniel Phillips
762 W Herald Dr
Saratoga Springs 84045

_____

_____

By: _____
Its: _____

STATE OF UTAH)
ss:
COUNTY OF _____)

On this_____ day of _____, 2022 before me, _____ a notary public, personally appeared before me _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the _____ of ??? and that said document was signed by him in behalf of said Company by Authority of its operating agreement, or member or manager consent, and said _____ acknowledged to me that said Company executed the same.

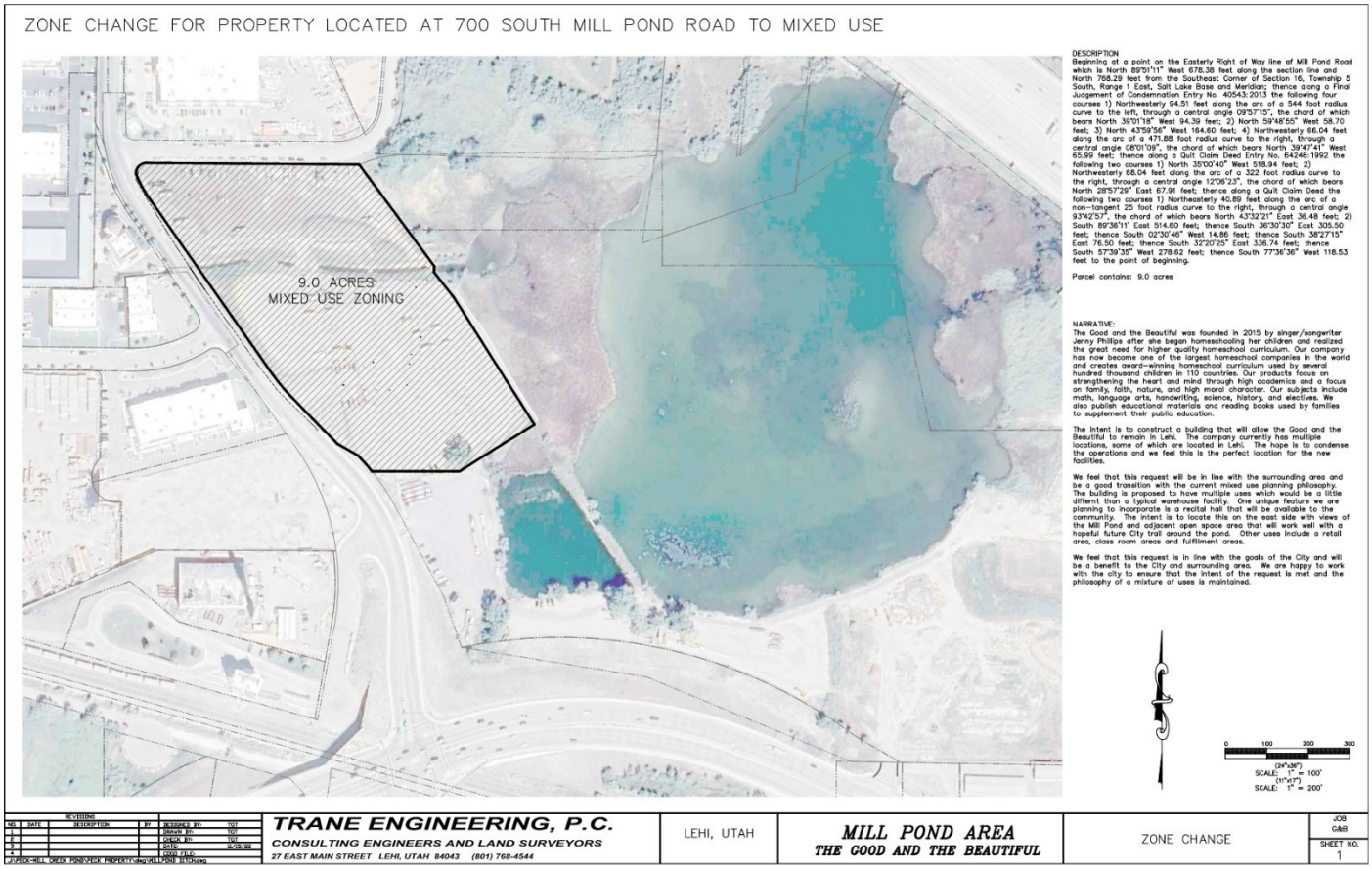
Witness my hand and official seal.

_____

Notary Public

(notary seal)

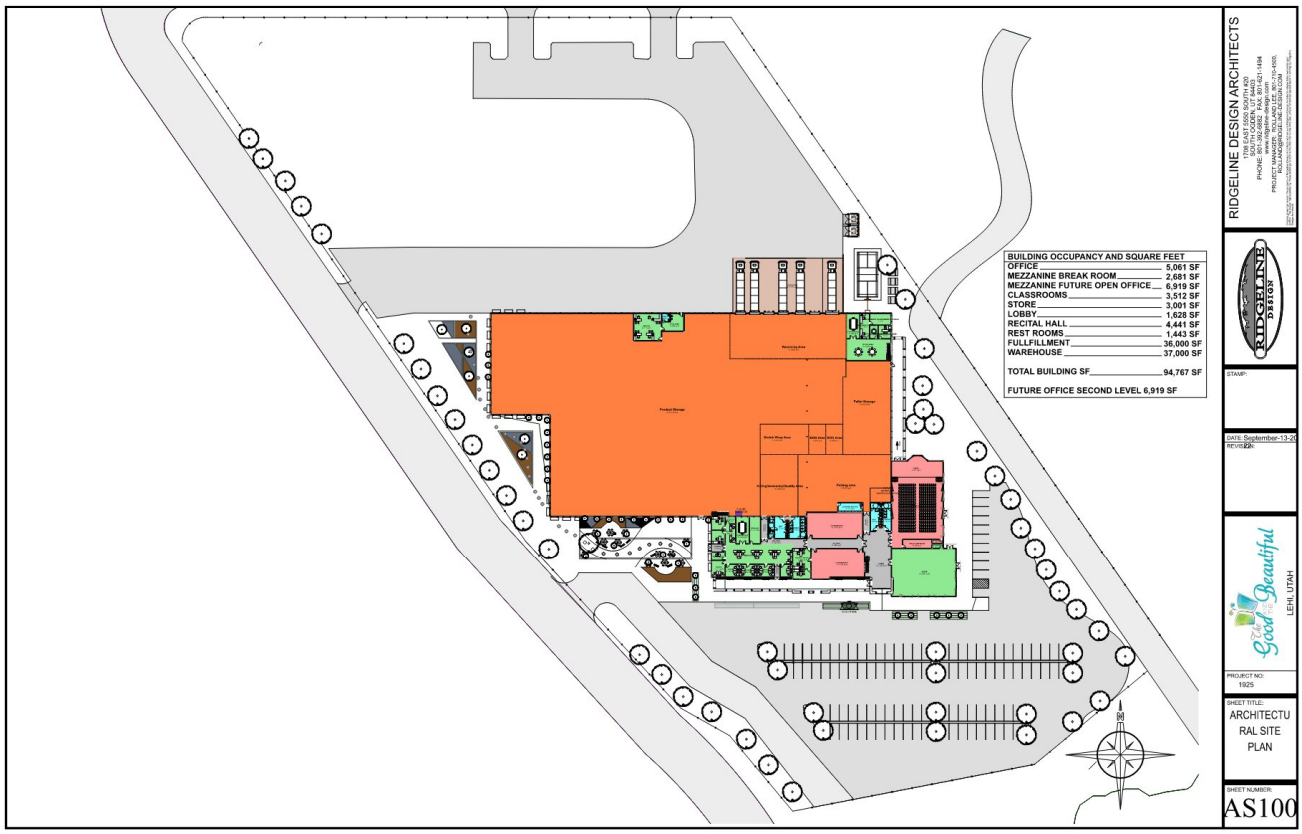
Exhibit "A"

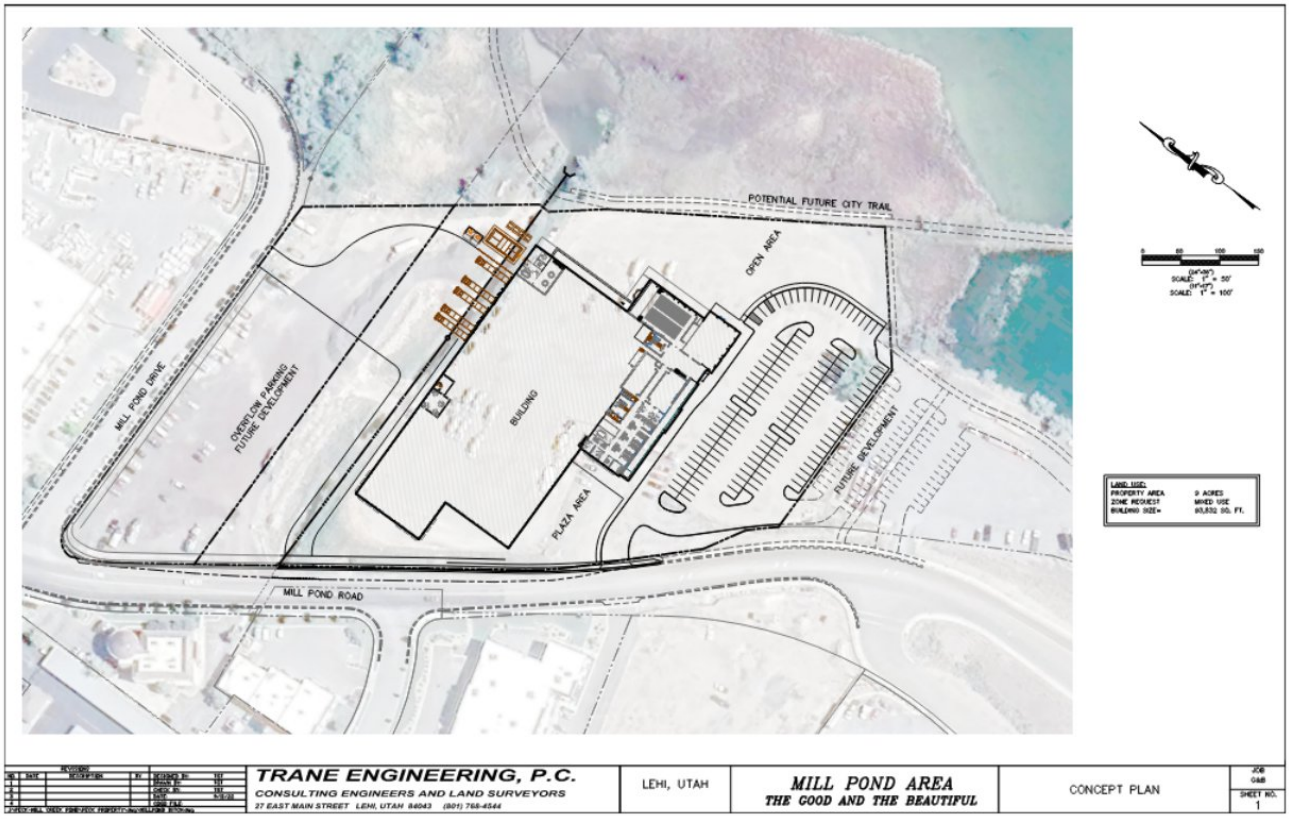


DESCRIPTION
Beginning at a point on the Easterly Right of Way line of Mill Pond Road which is North 89°51'11" West 678.38 feet along the section line and North 768.29 feet from the Southeast Corner of Section 16, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along a Final Judgement of Condemnation Entry No. 40543:2013 the following four courses 1) Northwesterly 94.51 feet along the arc of a 544 foot radius curve to the left, through a central angle 09°57'15", the chord of which bears North 39°01'18" West 94.39 feet; 2) North 59°48'55" West 58.70 feet; 3) North 43°59'56" West 164.60 feet; 4) Northwesterly 66.04 feet along the arc of a 471.88 foot radius curve to the right, through a central angle 08°01'09", the chord of which bears North 39°47'41" West 65.99 feet; thence along a Quit Claim Deed Entry No. 64246:1992 the following two courses 1) North 35°00'40" West 518.94 feet; 2) Northwesterly 68.04 feet along the arc of a 322 foot radius curve to the right, through a central angle 12°06'23", the chord of which bears North 28°57'29" East 67.91 feet; thence along a Quit Claim Deed the following two courses 1) Northeasterly 40.89 feet along the arc of a non-tangent 25 foot radius curve to the right, through a central angle 93°42'57", the chord of which bears North 43°32'21" East 36.48 feet; 2) South 89°36'11' East 514.60 feet; thence South 36°30'30" East 305.50 feet; thence South 02°30'46" West 14.86 feet; thence South 38°27'15" East 76.50 feet; thence South 32°20'25" East 336.74 feet; thence South 57°39'35" West 278.62 feet; thence South 77°36'36" West 118.53 feet to the point of beginning.

Parcel contains: 9.0 acres

Exhibit B


BUILDING OCCUPANCY AND SQUARE FEET
OFFICE 5,061 SF
MEZZANINE BREAK ROOM 2,681 SF
MEZZANINE FUTURE OPEN OFFICE 6,919 SF
CLASSROOMS 3,512 SF
STORE 3,001 SF
LOBBY 1,628 SF
RECITAL HALL 4,441 SF
REST ROOMS 1,443 SF
FULLFILLMENT 36,000 SF
WAREHOUSE 37,000 SF
TOTAL BUILDING SF 94,767 SF
FUTURE OFFICE SECOND LEVEL 6,919 SF
RIDGELINE DESIGN ARCHITECTS
LEHI, UTAH
PROJECT NO: 1925
SHEET TITLE: ARCHITECTURAL SITE PLAN
SHEET NUMBER: AS100


POTENTIAL FUTURE CITY TRAIL
OPEN AREA
MILL POND DRIVE
OVERFLOW PARKING FUTURE DEVELOPMENT
BUILDING
PLAZA AREA
FUTURE DEVELOPMENT
MILL POND ROAD
LAND USE:
PROPERTY AREA 9 ACRES
ZONE REQUEST MIXED USE
BUILDING SIZE= 93,832 SQ. FT.
TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN STREET LEHI, UTAH 84043 (801) 768-4544
LEHI, UTAH
MILL POND AREA
THE GOOD AND THE BEAUTIFUL
CONCEPT PLAN
SHEET NO. 1





RIDGELINE DESIGN ARCHITECTS

STAMP:

DATE: September-13-2

PROJECT NO: 1925

SHEET TITLE: RENDERINGS

SHEET NUMBER: R100





RECITIAL HALL



RIDGELINE DESIGN ARCHITECTS

STAMP:

DATE: September-13-2

PROJECT NO: 1925

SHEET TITLE: RENDERINGS

SHEET NUMBER: R103







RIDGELINE DESIGN ARCHITECTS
1799 EAST 5950 SOUTH #20
OGDEN, UTAH 84403
PHONE: 801-791-0688 FAX: 801-621-1494
www.ridgeline-design.com
PROJECT MANAGER: RICHARD LEE 801-710-4500
RICHARD@RIDGELINE-DESIGN.COM

RIDGELINE DESIGN

STAMP:

DATE: September-13-20
REVISION:

Good Life Beautiful
LEHI, UTAH

PROJECT NO:
1925

SHEET TITLE:
RENDERINGS

SHEET NUMBER:
R106



PLAZA ONE



RIDGELINE DESIGN ARCHITECTS
1799 EAST 5950 SOUTH #20
OGDEN, UTAH 84403
PHONE: 801-791-0688 FAX: 801-621-1494
www.ridgeline-design.com
PROJECT MANAGER: RICHARD LEE 801-710-4500
RICHARD@RIDGELINE-DESIGN.COM

RIDGELINE DESIGN

STAMP:

DATE: September-13-20
REVISION:

Good Life Beautiful
LEHI, UTAH

PROJECT NO:
1925

SHEET TITLE:
RENDERINGS

SHEET NUMBER:
R109



RIDGELINE DESIGN ARCHITECTS
1565 EAST 5600 SOUTH
SOUTH OGDEN, UT 84403
PHONE: 801-621-1494 FAX: 801-621-1494
www.ridgeline-design.com
PROJECT MANAGER: ROLLAND BINGHAM 801-710-4935
ROLLAND@RIDGELINE-DESIGN.COM

RIDGELINE DESIGN

STAMP:

DATE: September-13-2
REVISION

Good & Beautiful
LEHI, UTAH

PROJECT NO:
1925

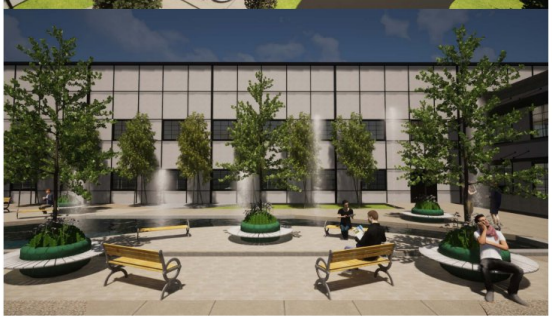
SHEET TITLE:
RENDERINGS

SHEET NUMBER:
R111

PLAZA ONE













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PROJECT MANAGER: ROLLAND BINGHAM 801-710-4935
ROLLAND@RIDGELINE-DESIGN.COM

RIDGELINE DESIGN

STAMP:

DATE: September-13-2
REVISION

Good & Beautiful
LEHI, UTAH

PROJECT NO:
1925

SHEET TITLE:
RENDERINGS

SHEET NUMBER:
R110

Agenda Item No: 10

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Jacob Curtis
Submitting Department: Planning Division
Item Type: Ordinance
Agenda Section: Regular Agenda

Subject:
Consideration of Ordinance #14-2023, approving the Good and Beautiful Zone Change on 9-acres located at approximately 700 South Mill Pond Road, changing the zoning from Commercial & A-5 (agriculture) to Mixed Use.

Suggested Action:

Attachments:

CC Staff Report The Good and the Beautiful Zone Change 02.14.23.docx

Good and the Beautiful Zone Change DRC 12.7.22.docx

Ord 14-2023.docx

Good and the Beautiful Zone Change 12.07.22.pdf

Good and Beautiful Aerial.pdf

Good and Beautiful GP.pdf

Good and Beautiful Zoning.pdf

THE GOOD AND THE BEAUTIFUL ZONE CHANGE

CITY COUNCIL REPORT

Applicant	Daniel Phillips		
Meeting Date	February 14, 2023		
Requested Action/Purpose	Approval of a proposed zone change		
Location	700 South Mill Pond Road		
Project Area	9 acres		
Existing Zoning	A-5 (Agricultural)		
Proposed Zoning	MU		
Existing General Plan Land Use Designation	MU		
Adjacent Zoning and Land Use	*North*	C	Best Vinyl Subdivision
	South	N/A	Agricultural
	East	N/A	Mill Pond
	West	LI	S&K Industrial Subdivision
Date of DRC Review	December 7, 2022		
Date of Planning Commission Review	January 12, 2023		
Assigned Planner	Jacob Curtis		

REQUIRED ACTION

Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE GENERAL PLAN GOALS AND POLICIES

MIXED USE (MU)

The Mixed Use (MU) classification combines a number of land uses within a specific geographic area. These uses may include higher density residential and may also serve as destinations or corridors of activity. They may build on the existing fabric, such as along State Street or Main Street, or may occur as new nodes of activity. This classification may contain a mix of uses including office, higher education, high density housing, specialty retail, restaurants, public facilities, sporting venues, and cultural spaces. Maintaining a substantial residential population within these areas is critical to their long-term success. Ensuring that the area is populated in the evenings and on weekends will support a lively, active, and vibrant center.

MIXED USE DEVELOPMENT

Create walkable and vibrant districts with a complimentary mix of land uses and densities in the historic downtown, urban center, transit oriented development areas, and other areas of concentrated density.

Mixed use development is designed to allow people to live, work, shop, and play in one place. It is defined by a combination of two or more uses (residential, retail, office, institutional, cultural, industrial) within a single development. Mixed use development should include public space amenities and a comfortable, well-designed pedestrian network. As mixed use developments are often regional destinations, they should be well-connected to surrounding communities and transportation networks. There are two types of mixed use development:

- Vertical mixed use - typically a mid- to high-rise building with retail on the ground floor and residential or office on the upper floors. This is a more efficient use of land within high intensity areas. Current market conditions have limited support for this type of mixed use.
- Horizontal mixed-use- single- or multi-story buildings that each contain one types of use, with a variety of uses present within walking distance throughout a development.

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

January 20, 1999- The property was part of the Mill Pond Annexation.

REPORT ANALYSIS

The applicant requests approval of the proposed zone change from A-5 to Mixed-Use located at approximately 700 South Mill Pond Road. The proposed zone change matches the General Plan designation of Mixed-Use for the property.

Although the request is for Mixed-Use zoning, a development agreement will be included as part of the zone change decision by the City Council to facilitate a warehousing component. The applicant still intends to incorporate mixed-use elements to the site and building and has not made significant changes since the concept was approved previously.

DRC had four informational comments on the proposed zone change, including the requirement for water dedication.

Please include these comments in your 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 matches the General Plan Land Use Designation.
2. The proposed zone change is/is not consistent with the goals and policies of the General Plan.
3. The proposed change is/is not consistent and compatible with the General Plan land uses of nearby and adjoining properties.
4. 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 12, 2023. The minutes and motion from this meeting are as follows:

4.3) Public hearing and recommendation of Daniel Phillips' request for review of the Good and Beautiful Zone Change, 9-acres located at approximately 700 South Mill Pond Road, changing the zoning from Commercial & A-5 (agriculture) to Mixed Use.
Brittney Harris presented information on the agenda item.

The applicant, Daniel Phillips, was present.

Commission Chair Newall opened public hearing.

Commission Chair Newall closed the public hearing.

Motion: Commissioner Jackson moved to send a positive recommendation of **Daniel Phillips' request for review of the Good and Beautiful Zone Change, 9-acres located at approximately 700 South Mill Pond Road, changing the zoning from Commercial & A-5 (agriculture) to Mixed Use;** including all DRC comments and findings stated in the report. Commissioner Bunker seconded.

Vote: Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Carlson, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

Good and the Beautiful Commercial Zone Change
DRC Redline Comments

Daniel Phillips- requests review of the Good and the Beautiful Zone Change, 9-acres located at approximately 700 South Mill Pond Road, changing the zoning from Commercial & A-5 to Mixed Use.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Jacob Hernandez, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer
Representatives of the Applicant Present: Daniel Phillips, Tony Trane
Date of Plans Reviewed: 11/29/22
Time Start: 1:03 pm
Time End: 1:13 pm

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire: No comments
Ryan – Water/Sewer: No comments
Trent – Parks: No comments
Gary – Building/Inspections: No comments
Jacob – Public Works: No comments
Ross – Engineering:
1. Requested zone matches the general plan
2. Currently, 850 E is major master planned collector (48' of asphalt)

Kim – Planning:
3. General Comment: A Development Agreement will be needed to allow the proposed use and building size (warehouse) in the Mixed-Use zone.
4. As a condition of recording the zone change ordinance, the applicant will need to provide water dedication per Chapter 27 of the Development Code. The rate for the MU Zone is 1.35 acre feet per acre of culinary water and 1.25 acre feet per acre of irrigation water.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON JANUARY 12, 2023
(NEED ENVELOPES BEFORE SCHEDULING)

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: 14-2023

AN ORDINANCE APPROVING A ZONE DISTRICT DESIGNATION AMENDMENT AND ZONING DISTRICT MAP AMENDMENT LOCATED AT APPROXIMATELY 700 SOUTH MILL POND ROAD

WHEREAS, Daniel Phillips, owner of property located at approximately 700 South Mill Pond Road 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 Mixed-Use (MU); and

WHEREAS, following a public hearing on January 12, 2023, 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 14, 2023, 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 12, 2023; 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 property described on Exhibit "A" are hereby amended to Mixed-Use (MU).

PART II:

A. If a provision of this Ordinance -2023 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 14th day of February 2023.

ATTEST

_____	_____
Mark Johnson, Mayor	Teisha Wilson, City Recorder

EXHIBIT “A”

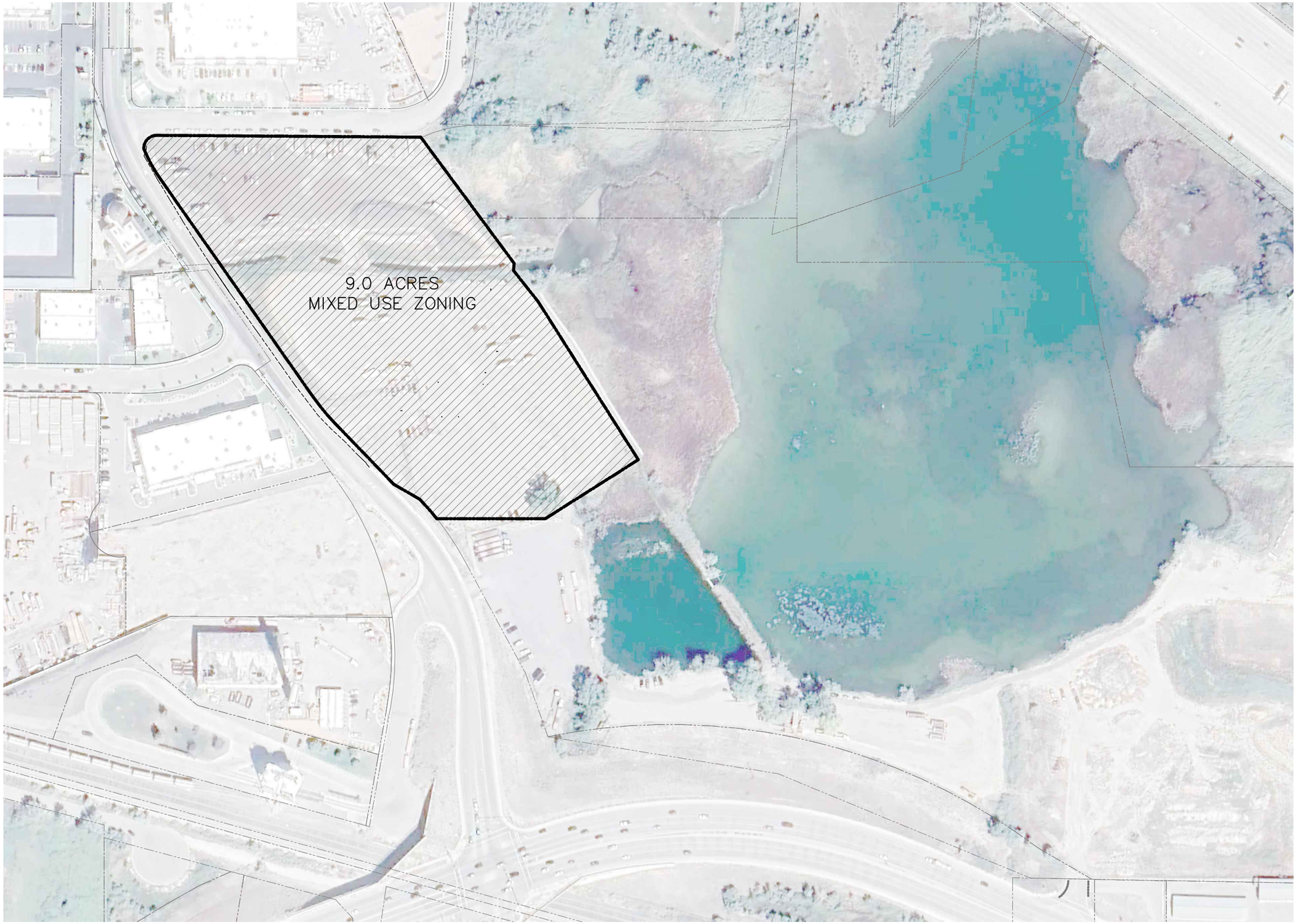
THE GOOD AND THE BEAUTIFUL ZONE CHANGE PROPERTY LEGAL DESCRIPTION

DESCRIPTION

Beginning at a point on the Easterly Right of Way line af Mill Pond Road which is North 89°51’11” West 678.38 feet along the section line and North 768.29 feet from the Southeast Corner of Section 16, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along a Final Judgement of Condemnation Entry No. 40543:2013 the following four courses 1) Northwesterly 94.51 feet along the arc of a 544 foot radius curve to the left, through a central angle 09°57’15”, the chord of which bears North 39°01’18” West 94.39 feet; 2) North 59°48’55” West 58.70 feet; 3) North 43°59’56” West 164.60 feet; 4) Northwesterly 66.04 feet along the arc of a 471.88 foot radius curve to the right, through a central angle 08°01’09”, the chord of which bears North 39°47’41” West 65.99 feet; thence along a Quit Claim Deed Entry No. 64246:1992 the following two courses 1) North 35°00’40” West 518.94 feet; 2) Northwesterly 68.04 feet along the arc of a 322 foot radius curve to the right, through a central angle 12°06’23”, the chord of which bears North 28°57’29” East 67.91 feet; thence along a Quit Claim Deed the following two courses 1) Northeasterly 40.89 feet along the arc of a non–tangent 25 foot radius curve to the right, through a central angle 93°42’57”, the chord of which bears North 43°32’21” East 36.48 feet; 2) South 89°36’11’ East 514.60 feet; thence South 36°30’30” East 305.50 feet; thence South 02°30’46” West 14.86 feet; thence South 38°27’15” East 76.50 feet; thence South 32°20’25” East 336.74 feet; thence South 57°39’35” West 278.62 feet; thence South 77°36’36” West 118.53 feet to the point of beginning.

Parcel contains: 9.0 acres

ZONE CHANGE FOR PROPERTY LOCATED AT 700 SOUTH MILL POND ROAD TO MIXED USE



DESCRIPTION
Beginning at a point on the Easterly Right of Way line af Mill Pond Road which is North 89°51'11" West 678.38 feet along the section line and North 768.29 feet from the Southeast Corner of Section 16, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence along a Final Judgement of Condemnation Entry No. 40543:2013 the following four courses 1) Northwesterly 94.51 feet along the arc of a 544 foot radius curve to the left, through a central angle 09°57'15", the chord of which bears North 39°01'18" West 94.39 feet; 2) North 59°48'55" West 58.70 feet; 3) North 43°59'56" West 164.60 feet; 4) Northwesterly 66.04 feet along the arc of a 471.88 foot radius curve to the right, through a central angle 08°01'09", the chord of which bears North 39°47'41" West 65.99 feet; thence along a Quit Claim Deed Entry No. 64246:1992 the following two courses 1) North 35°00'40" West 518.94 feet; 2) Northwesterly 68.04 feet along the arc of a 322 foot radius curve to the right, through a central angle 12°06'23", the chord of which bears North 28°57'29" East 67.91 feet; thence along a Quit Claim Deed the following two courses 1) Northeasterly 40.89 feet along the arc of a non-tangent 25 foot radius curve to the right, through a central angle 93°42'57", the chord of which bears North 43°32'21" East 36.48 feet; 2) South 89°36'11' East 514.60 feet; thence South 36°30'30" East 305.50 feet; thence South 02°30'46" West 14.86 feet; thence South 38°27'15" East 76.50 feet; thence South 32°20'25" East 336.74 feet; thence South 57°39'35" West 278.62 feet; thence South 77°36'36" West 118.53 feet to the point of beginning.

Parcel contains: 9.0 acres

NARRATIVE:
The Good and the Beautiful was founded in 2015 by singer/songwriter Jenny Phillips after she began homeschooling her children and realized the great need for higher quality homeschool curriculum. Our company has now become one of the largest homeschool companies in the world and creates award-winning homeschool curriculum used by several hundred thousand children in 110 countries. Our products focus on strengthening the heart and mind through high academics and a focus on family, faith, nature, and high moral character. Our subjects include math, language arts, handwriting, science, history, and electives. We also publish educational materials and reading books used by families to supplement their public education.

The intent is to construct a building that will allow the Good and the Beautiful to remain in Lehi. The company currently has multiple locations, some of which are located in Lehi. The hope is to condense the operations and we feel this is the perfect location for the new facilities.

We feel that this request will be in line with the surrounding area and be a good transition with the current mixed use planning philosophy. The building is proposed to have multiple uses which would be a little differnt than a typical warehouse facility. One unique feature we are planning to incorporate is a recital hall that will be available to the community. The intent is to locate this on the east side with views of the Mill Pond and adjacent open space area that will work well with a hopeful future City trail around the pond. Other uses include a retail area, class room areas and fulfillment areas.

We feel that this request is in line with the goals of the City and will be a benefit to the City and surrounding area. We are happy to work with the city to ensure that the intent of the request is met and the philosophy of a mixture of uses is maintained.





(24"x36")
SCALE: 1" = 100'
(11"x17")
SCALE: 1" = 200'

REVISIONS					
NO.	DATE	DESCRIPTION	BY		
1				DESIGNED BY:	TGT
2				DRAWN BY:	TGT
3				CHECK BY:	TGT
4				DATE:	11/15/22
				CDGD FILE:	

J:\PECK-MILL CREEK POND\PECK PROPERTY\dwg\MILLPOND DITCH.dwg

TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN STREET LEHI, UTAH 84043 (801) 768-4544

LEHI, UTAH

MILL POND AREA
THE GOOD AND THE BEAUTIFUL

ZONE CHANGE

JOB
G&B

SHEET NO.
1

The Good and the Beautiful Zone Change

Aerial

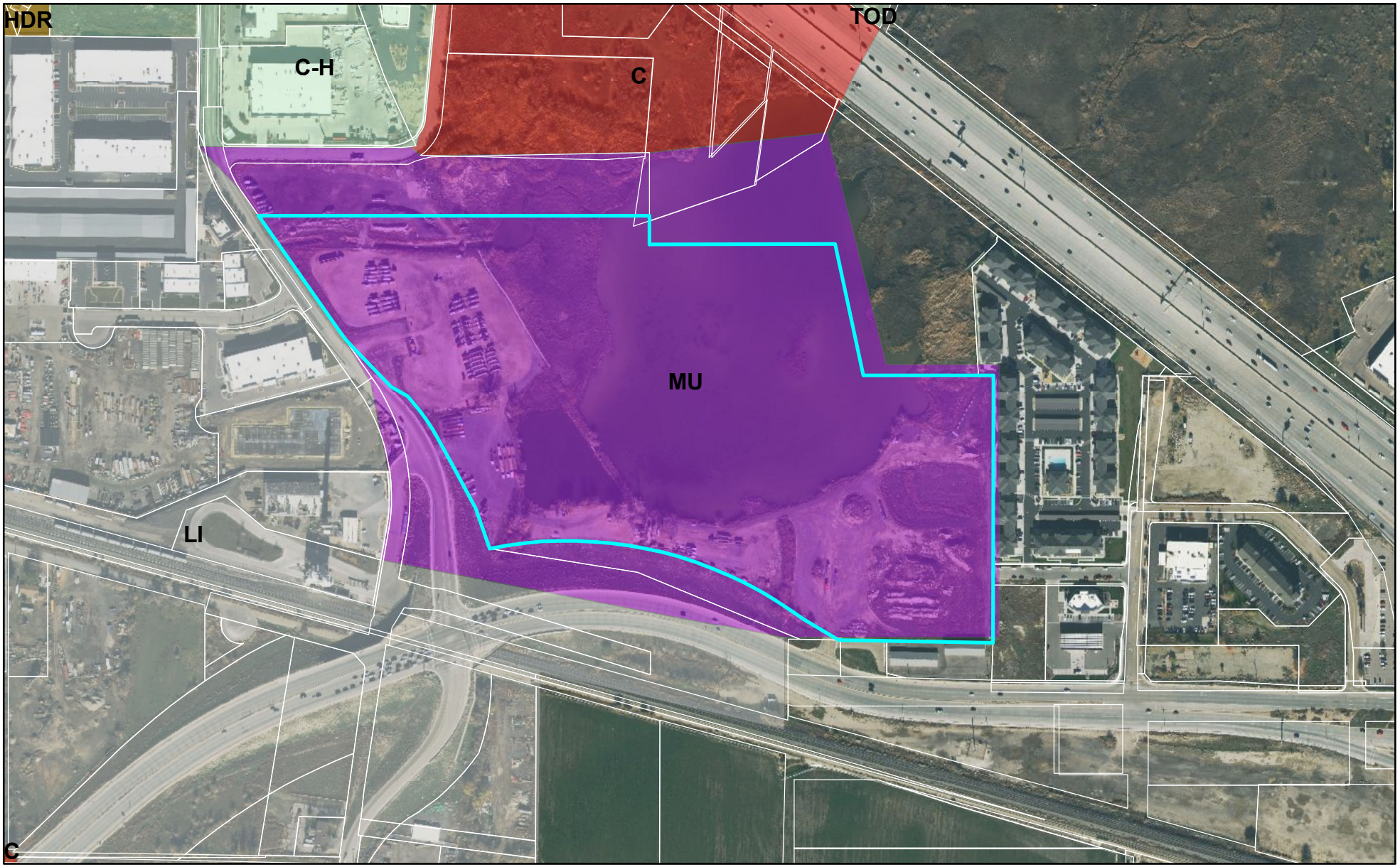


0 500 1,000 Feet

LEHI CITY

The Good and the Beautiful Zone Change

General Plan

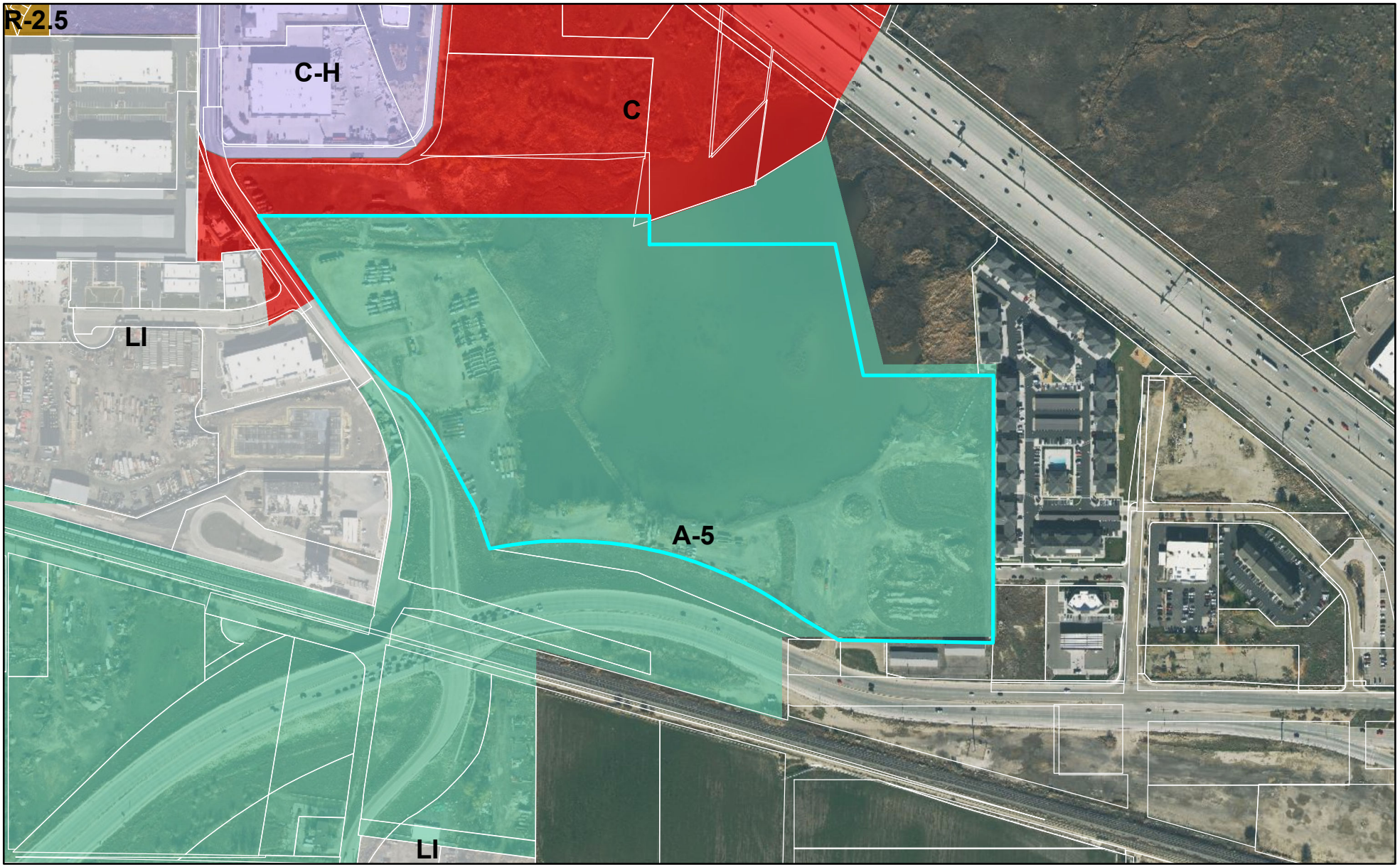


0 500 1,000 Feet

LEHI CITY

The Good and the Beautiful Zone Change

Zoning



0 500 1,000 Feet

LEHI CITY

Agenda Item No: 11

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Jacob Curtis
Submitting Department: Planning Division
Item Type: Action Item
Agenda Section: Regular Agenda

Subject:
Consideration of Final subdivision approval for the Bushman Subdivision, a 21-lot residential development located at 1610 West 700 South in a R-1-Flex zone.

Suggested Action:

Attachments:

CC Staff Report Bushman Final Subdivision 02.14.23.docx

Bushman Subdivision DRC 2.1.23.docx

Bushman Final Subdivision 02.01.23.pdf

Bushman Aerial.pdf

Bushman GP.pdf

Bushman Zoning.pdf

BUSHMAN FINAL SUBDIVISION
CITY COUNCIL REPORT

Applicant	JDH Development		
Meeting Date	February 14, 2023		
Requested Action/Purpose	Approval of a final subdivision		
Location	1610 W 700 S		
Existing Land Use	Single family residential/undeveloped		
Existing Zoning	R-1-Flex		
General Plan Land Use Designation	LDR		
Number of Lots/Units	21 lots		
Adjacent Zoning and Land Use	*North*	R-1-12	Stage Coach Plat B
	South	RA-1/R-1-12	Church/Benny Estates Plat B
	East	R-1-12/PF	Stage Coach Plat C/Park
	West	RA-1/R-1-12	Church/Sunset Meadows
Date of DRC Review	March 9, 2022		
Assigned Planner	Jacob Curtis		

REQUIRED ACTION

City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 11.180. Effective Period of Final Subdivision Plat Approval.
The approval of a final subdivision plat shall be effective for a period of two (2) years from the date the final plat is approved and signed by the City Council, at the end of which time such final subdivision plat shall have been recorded in the office of the Utah County Recorder.

PROPERTY HISTORY

January 23, 2001 The property was included in the Peterson-Kopinsky Annexation.
September 28, 2021 The Bushman Zone Change to R-1-Flex and Concept were approved by the City Council.
April 12, 2022 The Bushman Property Preliminary Subdivision was approved by the City Council.

REPORT ANALYSIS

The applicant is requesting approval of the Bushman Final Subdivision, a 21-lot residential subdivision located at 1610 West 700 South.

The preliminary subdivision plan will consist of 21 single family lots on a total of 7.16 acres. The lots range in size from 8,064 to 23,602 square feet. There is an overall density of 2.93 units per acre for this subdivision which is consistent with the goals of the General Plan designation and zoning. The R-1-Flex zone establishes a maximum density of 3.25 units per acre for developments under ten acres. Each lot also meets the 80-foot frontage require-

ment. No significant changes have been made to the plans since preliminary subdivision approval. The new subdivision preserves two existing homes on lots 20 and 21.

The DRC had 3 comments on the proposed final subdivision plan, including the following:

1. Need front labeled on Lot 16 on the plat.
2. Add note that no access will be permitted to Lot 1 from 700 South.

Please consider all DRC comments as part of the motion.

POSSIBLE MOTIONS AND FINDINGS

The City Council may move to approve, approve with modifications, or deny the proposed final subdivision. Any motion should include findings. Possible findings include:

1. The proposed subdivision meets the requirements of the Lehi City Development Code regarding subdivision approvals.
2. The proposed subdivision does/does not meet the requirements of the Development Code in regard to subdivision approvals.
3. Other findings based upon information presented at the public meeting.

Bushman Subdivision
DRC Redline Comments

*JDH Development – requests final subdivision review of **Bushman Subdivision**, a 21-lot residential development located at 1610 W 700 S in a R-1-Flex zone.*

DRC Members Present: Glade Kirkham, Garion Rowett, Greg Allred, Ryan Allred, Jacob Hernandez, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer
Assigned Planner: Jacob Curtis
Representatives of the Applicant Present: Josh Moffat
Date of Plans Reviewed: 1/24/23
Time Start: 1:05 pm
Time End: 1:15 pm

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire: No comments
Greg/Ryan – Water/Sewer: No comments
Trent – Parks: No comments
Jacob – Public Works: No comments
Ross/Luke – Engineering: No comments
Kim – Planning:
1. Need front labeled on Lot 16 on the plat.
2. Add note that no access will be permitted to Lot 1 from 700 South.

Gary – Building/Inspections:
3. Floor elevation?

PRIOR TO SCHEDULING A PRECONSTRUCTION MEETING:
1. Provide an engineer's cost estimate for the cost of all improvements to Lehi City Engineering. (Stefanie Daggs- sdaggs@lehi-ut.gov or 385-201-2523)
2. Escrow Bond or Letter of Credit and Public/Private Improvement Agreement for all public and private improvements must be in place (from a financial institution with a branch in Utah).
3. Surveyor's and engineer's stamps on construction drawings.
4. New property line adjacent to existing roads must be staked and reviewed by the City.
5. Lehi Irrigation Co approval will be required for all ditch abandonment/modifications
6. Submit Storm Water Pollution Prevention Plan (SWPPP) through ComplianceGo.com for review by Lehi Public Works (Contact Jacob Hernandez- jhernandez@lehi-ut.gov or 385-201-2435).
7. Schedule a SWPPP inspection through Daniel Hadlock at (801) 836-3523 or Greg Soper at (385) 415-4073). This should be the last item completed prior to scheduling a preconstruction meeting.
8. Obtain PLSS (Public Land Survey System) clearance letter from the Utah County Surveyor Office. If there are PLSS monuments located on or adjacent to property a monument excavation permit may be required. Per Utah Code 17-23-14 and 17-23-15. Contact info. Email surveyor@utahcounty.gov Address 2855 South State Street, Provo, UT 84606 (801) 851-8671 or (801) 851-8669
9. Class V inject well permit will be required. I will apply for permit. (jhernandez@lehi-ut.gov)
10. Address comments from City Council approval.
11. Plans need to be signed by Community Development Director and Public Works Director before precon can be scheduled.

PRIOR TO RECORDING OF PLAT:
1. Provide a Mylar of the final plat for recording with the owners notarized signature(s).
2. Include surveyor's and engineer's stamps and signatures on the plat.
3. Submit a title report to be reviewed by Lehi City Attorney.

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.

4. Developer shall provide a letter with an exhibit of the property covered from their title company guaranteeing that the property taxes including rollback/greenbelt taxes have been paid of open space or right of way is being dedicated.
5. Provide a signed easement verification sheet (for proposed public utility easements on the plat).
6. All City utilities/infrastructure has been accepted and signed off by all Lehi City Inspectors.

DRC GENERAL COMMENTS:

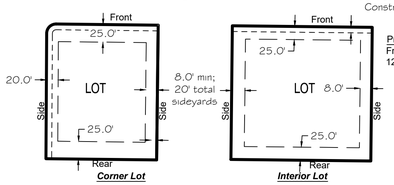
1. On the power, developer will install conduit; Lehi City Power will install all other required power infrastructure shown on the plans and charge the developer for the costs. These costs are separate from power impact fees that are paid with the building permit.
2. Developer is responsible to purchase, move or remove any existing RMP facilities.
3. Developer is responsible to furnish adequate rights of way or easements for construction of off-site power line extensions.
4. Once approved by the Planning Commission or City Council (whichever is applicable) plans may be submitted for check-off. Check-off plans consist of one 24x36 set of plans submitted to the Planning Department. When changes need to be made to a check-off set, revise the affected sheets only. Each new submittal will require a revision date on each new sheet.
5. Prior to the pre-construction meeting, Lehi City Staff will make copies of plans for the meeting from the check-off set and the developer will pay fees for the copies.
6. All signage will require a separate review and approval process
7. All required private improvements (except private landscaping) shall be completed prior to the certificate of occupancy being granted.
8. The approval of a development shall be effective for a period of two (2) years from the date the development is approved by the Planning Commission or City Council, whichever is applicable.
9. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either a twenty (20) foot minimum width temporary or permanent road, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be kept clear of all fencing, barricades, dumpsters, vehicles, construction materials and debris and maintained until permanent fire apparatus access roads are available.

THIS ITEM WILL BE SCHEDULED FOR CITY COUNCIL ON FEBRUARY 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.

BUSHMAN - FELT SUBDIVISION PLAT "B"
AMENDING LOTS 1, 3, & 4, BUSHMAN - FELT SUBDIVISION PLAT "A"
LOCATED IN THE SOUTHEAST QUARTER, SECTION 18, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
LEHI CITY, UTAH COUNTY, UTAH

TYPICAL SETBACK EXHIBIT

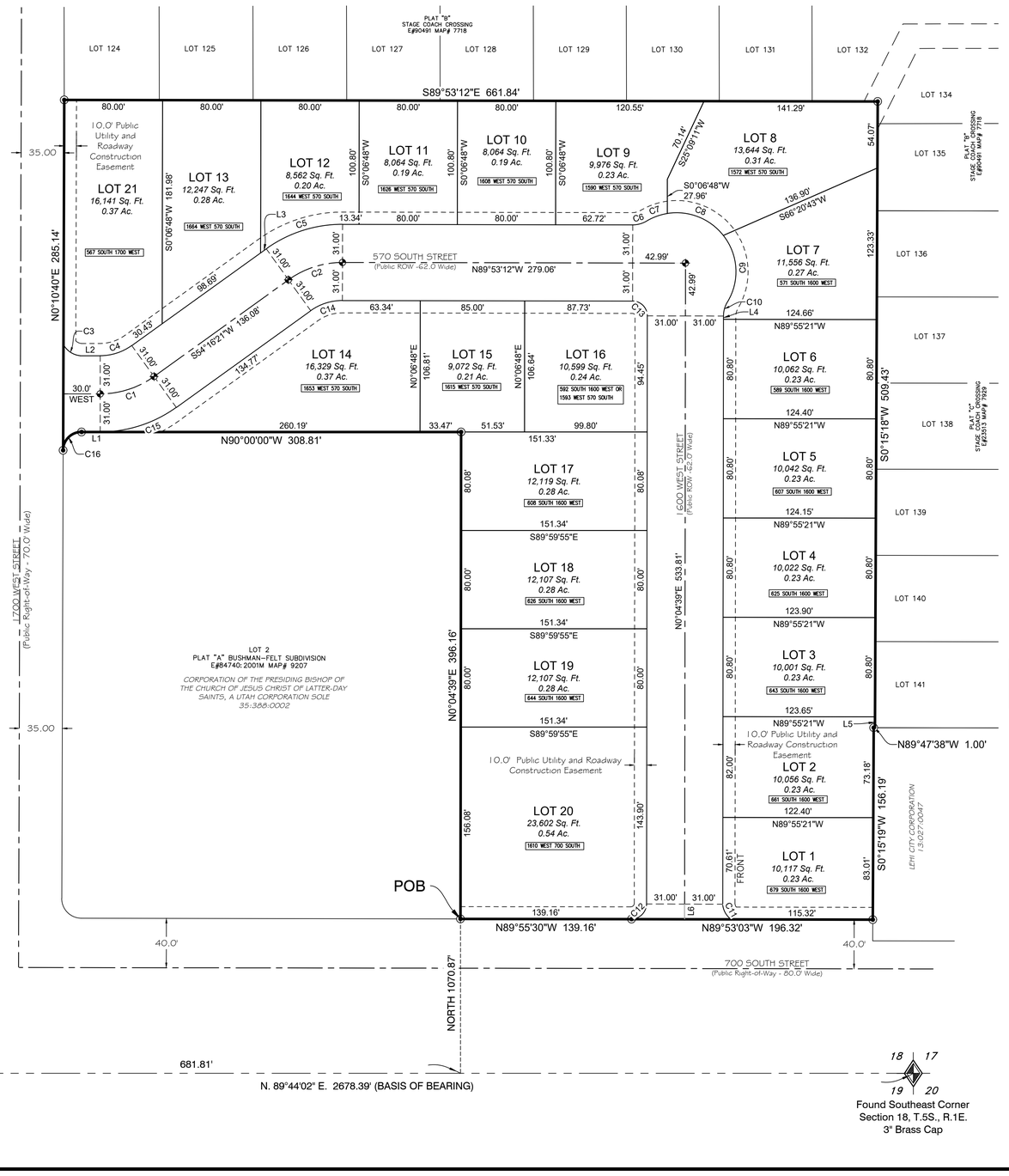


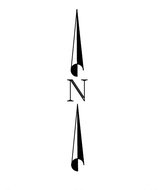
Property Line Note:
Front property line is 12' from TBC.

10' Public Utility and Roadway Construction Easement(Typ)

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHD BRG	CHD LEN
C1	46.77	75.00	35°43'57"	S72° 08' 01"W	46.02
C2	45.59	75.00	34°49'50"	S72° 41' 52"W	44.89
C3	16.97	17.55	55°24'26"	N56° 24' 39"W	16.32
C4	27.38	43.91	35°43'57"	S72° 08' 55"W	26.94
C5	64.74	106.00	34°59'28"	S72° 37' 04"W	63.73
C6	12.23	22.68	30°53'10"	N74° 11' 36"E	12.08
C7	17.67	48.40	20°55'17"	S70° 13' 53"W	17.57
C8	51.27	48.25	60°52'38"	N68° 36' 37"W	48.89
C9	57.87	47.41	69°56'10"	N3° 30' 54"W	54.35
C10	11.84	21.98	30°52'54"	N15° 32' 24"E	11.70
C11	14.52	17.17	48°27'50"	N28° 52' 55"W	14.09
C12	19.13	12.67	86°30'17"	S44° 36' 52"W	4521.46
C13	18.85	12.01	89°57'51"	S44° 55' 59"E	16.97
C14	27.53	44.00	35°50'45"	N72° 11' 25"E	27.08
C15	66.07	105.97	35°43'18"	N72° 08' 01"E	65.00

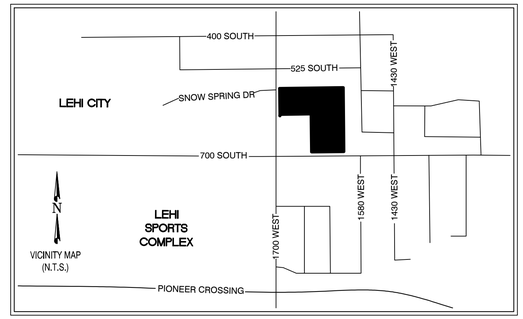
LINE TABLE		
LINE #	LENGTH	BEARING
L1	15.16	N90° 00' 00"W
L2	16.32	N89° 58' 13"W
L3	7.23	S54° 21' 39"W
L4	2.72	N0° 04' 39"E
L5	8.82	S0° 15' 18"W
L6	12.35	S0° 04' 39"W





Found South Quarter Section 18, T.5S., R.1E. 3" Brass Cap

Found Southeast Corner Section 18, T.5S., R.1E. 3" Brass Cap



SURVEYOR'S CERTIFICATE

I, GARY CHRISTENSEN, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 5707871 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have made a survey of the property described on this plat in accordance with 17-23-17 and have verified all measurements, and have subdivided said property into lots and streets, together with easements, hereafter to be known as ***BUSHMAN - FELT SUBDIVISION PLAT "B" AMENDING LOTS 1, 3, & 4, BUSHMAN - FELT SUBDIVISION PLAT "A"*** and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Signed this ____day of _____, 20___ (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

A parcel of land being all of Lots 1, 3, & 4, Bushman - Felt Subdivision Plat "A" recorded August 23, 2001 as Entry NO. 84740:2001 having Map # 9207 in the Office of the Utah County Recorder

The above described parcel of land contains 311,859 Sq Ft., in area or 7.159 Acres, 21 Lots.

OWNER'S DEDICATION

Know all men by these present that we, all of the undersigned owners of all of the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements and do hereby dedicate the streets, easements, and other public areas as indicated hereon for perpetual use of the public.

In Witness Whereof, I/We have set forth our hand this_____ day of _____, A.D. 20____.

_____ _____
Signature Print Name & Title

_____ _____
Signature Print Name & Title

OWNER'S ACKNOWLEDGMENT

State of _____)
:ss
County of _____)

On this _____day of_____, A.D. 20__ personally appeared before me _____, the signer of the forgoing instrument, who duly acknowledged to me that (s)he is the _____ of _____, limited liability company, and is authorized to execute the forgoing agreement in it behalf and the (s)he executed it in such capacity.

Commission Number _____
My Commission Expires _____

Signature: _____

Print Name: _____
A Notary Public Commissioned in Utah

ACCEPTANCE BY LEGISLATIVE BODY

The City Council of Lehi City, County of Utah, approves this subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public

This _____ day of _____, A.D. 20___.

_____ Attest: _____
City Mayor City Clerk / Recorder (See Seal Below)

PLANNING COMMISSION APPROVAL

Approved this _____ day of _____, A.D. 20____, by the Lehi City Planning Commission.

_____ _____
Director - Secretary Chair, Planning Commission

PLAT NOTES

1. This area is subject to normal everyday sounds, odors, site equipment, facilities, and other aspects associated with agricultural lifestyle. Future residents should also recognize the risks inherent with livestock.
2. #5 rebar and cap to be set at all rear lot corners. Plug/ nail to be set in curb at projection of side lot lines.
3. Stormwater will be retained within the project right of way.
4. A minimum of 2' of soil is to be removed and recompacted or replaced. (see section 7.5 of the soil report).

ZONE R-1-FLEX

Legend of Symbols & Abbreviations

- Boundary Line
- Road Right-of-Way (ROW)
- Road Center Line
- Section Line
- Adjacent Parcel
- Building Setbacks
- P.U.E. and Easements
- Street Monument to be Set
- Set Rebar and Cap stamped "CIR ENGINEERING"

OWNER:
JDH Kent, LLC
1450 West 1850 North
Lehi Utah 84043

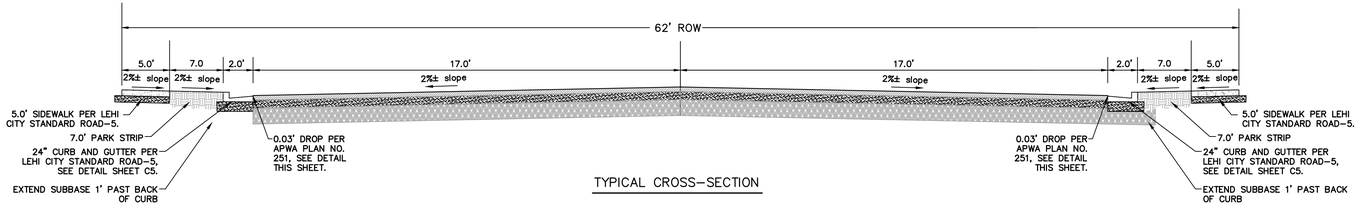
DEVELOPER:
JDH Development
1450 West 1850 North
Lehi Utah 84043

SHEET 1 / 1

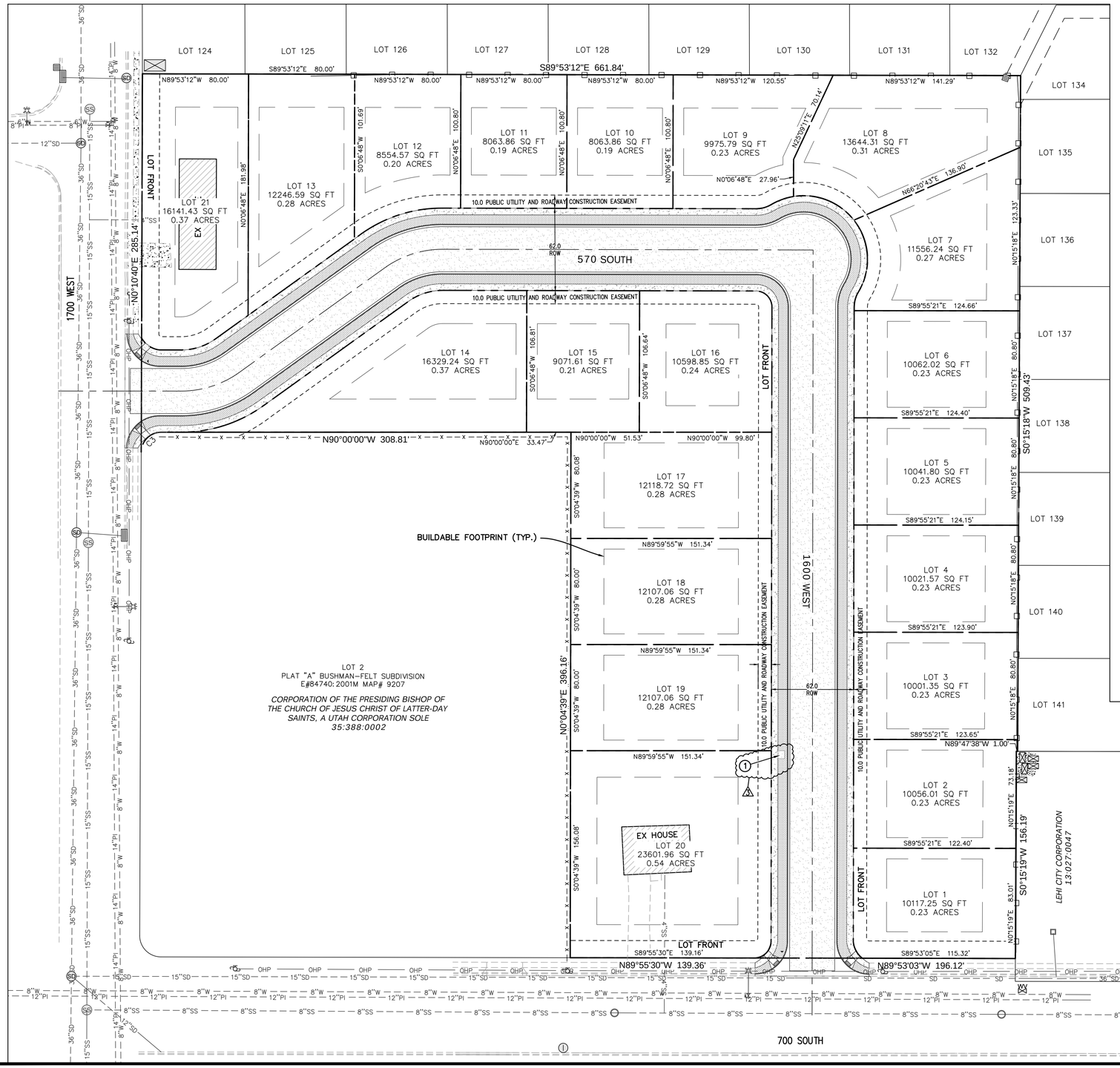
Prepared By:
CIR | CIVIL ENGINEERING + SURVEYING
10718 South Beckstead Lane, Suite 102,
South Jordan, Utah 84095
Phone: 435-503-7641

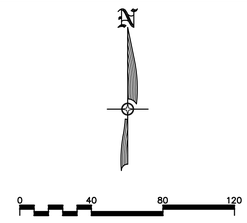
BUSHMAN-FELT SUBDIVISION PLAT "B"
AMENDING LOTS 1, 3, & 4, BUSHMAN - FELT SUBDIVISION - PLAT "A"
LOCATED IN THE SOUTHEAST QUARTER, SECTION 18,
TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
LEHI CITY, UTAH COUNTY, UTAH

SURVEYOR'S SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL
LICENSED PROFESSIONAL LAND SURVEYOR GARY CHRISTENSEN No. 5152617 08/14/2022 STATE OF UTAH		



TYPICAL CROSS-SECTION





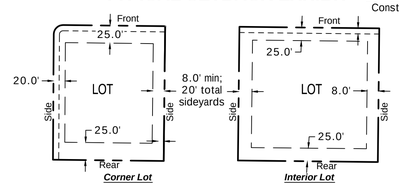
SEE COVER SHEET FOR PROJECT LEGEND

R.O.W. AREAS:

	SQ. FT. / ACRES
TOTAL R.O.W. AREA	67,489 SQ. FT. / 1.55 ACRES
ASPHALT	37,251 SQ. FT. / 0.86 ACRES
LANDSCAPING	14,951 SQ. FT. / 0.34 ACRES
CONCRETE	15,287 SQ. FT. / 0.35 ACRES

NOTE:
1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

TYPICAL SETBACK EXHIBIT



Property Line Note:
Front property line is 12' from TBC.

SITE PLAN NOTES:

1. INSTALL 8'X5' CONCRETE PAD FOR MAILBOXES. INSTALL ONE-16 TENANT DOOR STANDARD STYLE CBU MAILBOX, ONE-8 TENANT DOOR STANDARD STYLE CBU MAILBOX, AND ONE-2 DOOR PARCEL LOCKER. ALL MAILBOXES TO BE USPS APPROVED. CONTRACTOR TO CONTACT SUSAN AT BUCARO DISTRIBUTORS TO ORDER MAILBOXES. 1-847-696-0098.

NO.	REVISIONS	BY	DATE
1	CITY COMMENTS		RGW 08/12/22
2	REGRADE ROAD		RGW 12/29/22
3	CITY COMMENTS		RGW 01/18/23

DESIGNER: SDT PROJECT ENGINEER: SDT

CIVIL ENGINEERING +SURVEYING
10718 S BECKSTEAD LANE, SUITE 102
South Jordan, Utah - 801-949-6296

BUSHMAN SUBDIVISION

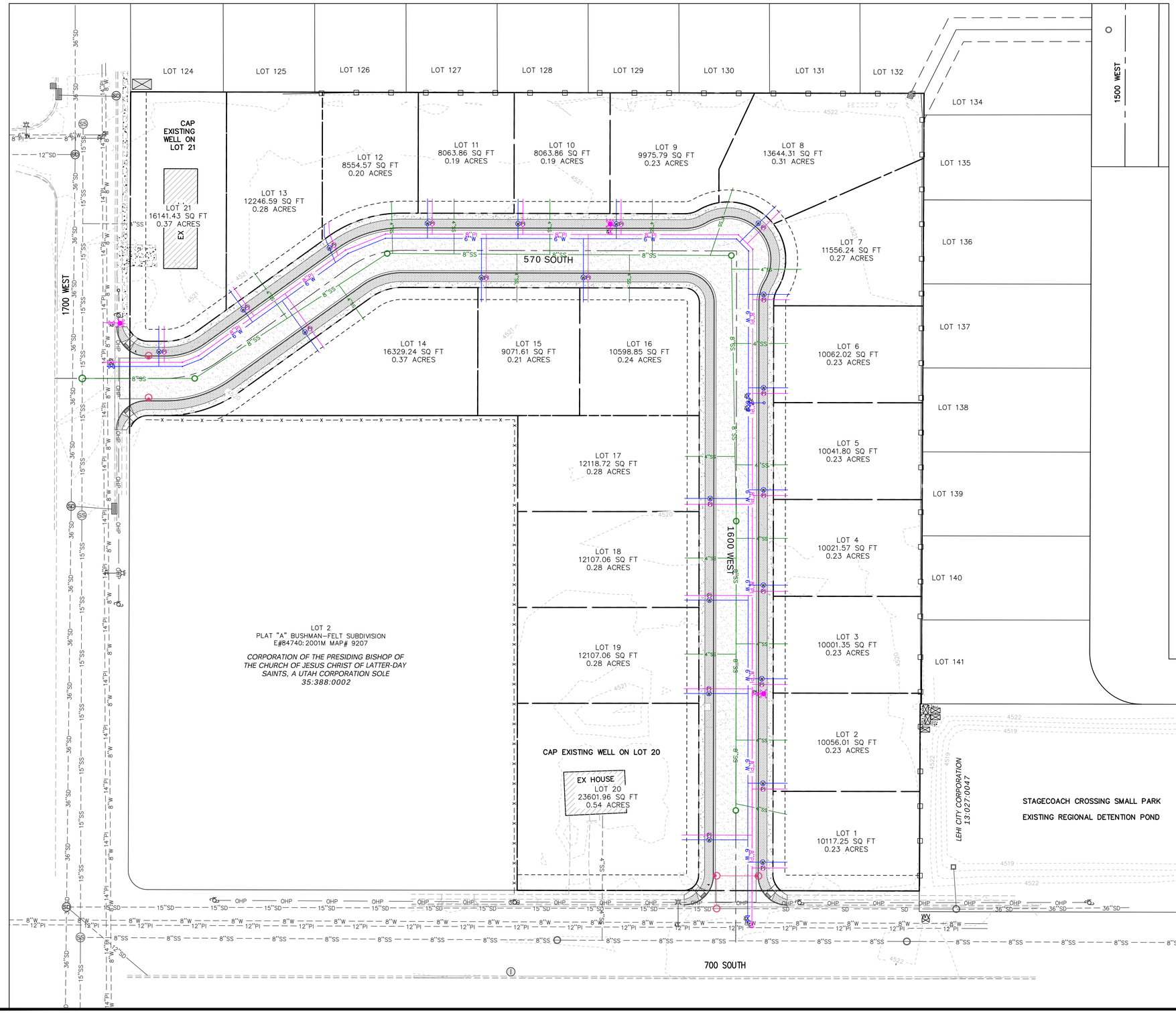
1700 WEST 700 SOUH, LEHI, UTAH

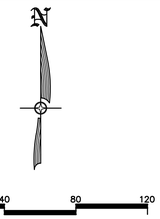
SITE PLAN OVERVIEW

LICENSED PROFESSIONAL ENGINEER
SCOTT D. THORSEN
No. 354291
STATE OF UTAH

Blue Stakes of UTAH 811
Bluestakes.org

SHEET NO.	
C1.0	
PROJECT ID	DATE:
A-1000	04/14/22
FILE NAME: PRJ-LBM	SCALE: 1"=40'





SEE COVER SHEET FOR PROJECT LEGEND

LEHI IRRIGATION NOTE:

1. IRRIGATION MANHOLE NEAR 535 SOUTH WILL NEED TO BE ABANDONED AND PLUGGED TO THE WEST.
2. IRRIGATION DIVERSION STRUCTURE AT ABOUT 375 SOUTH 1500 WEST WILL NEED THE GATES REMOVED AND THE PIPE TO THE SOUTH PLUGGED. THE GRATE IS TO BE REPLACED DUE TO THE GATES BEING REMOVED.

NO.	REVISIONS	BY	DATE
1	CITY COMMENTS	RGW	08/12/22
2	REGRADE ROAD	RGW	12/29/22
3	CITY COMMENTS	RGW	01/18/23

DESIGNER: SDT PROJECT ENGINEER: SDT

CIVIL ENGINEERING +SURVEYING
10718 S BECKSTEAD LANE, SUITE 102
South Jordan, Utah - 801-949-6296

BUSHMAN SUBDIVISION

1700 WEST 700 SOUTH, LEHI, UTAH

UTILITY PLAN OVERVIEW

LICENSED PROFESSIONAL ENGINEER
SCOTT D. THORSEN
No. 354291
STATE OF UTAH

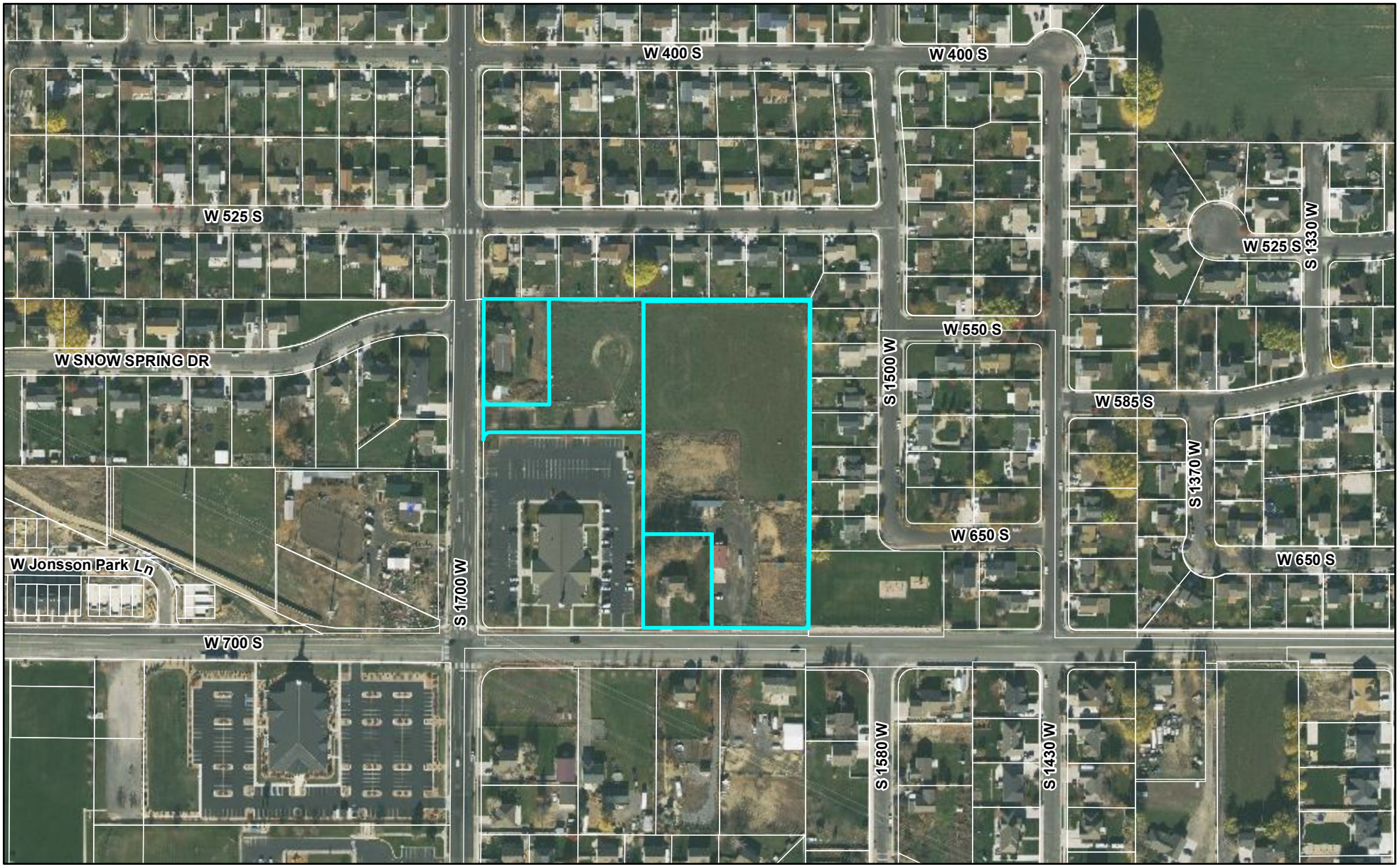
Blue Stakes of UTAH 811
Bluestakes.org

SHEET NO.
C3.0

PROJECT ID	DATE:
A-1000	04/14/22
FILE NAME: PRJ-LBM	SCALE: 1"=40'

Bushman Final Subdivision

Aerial

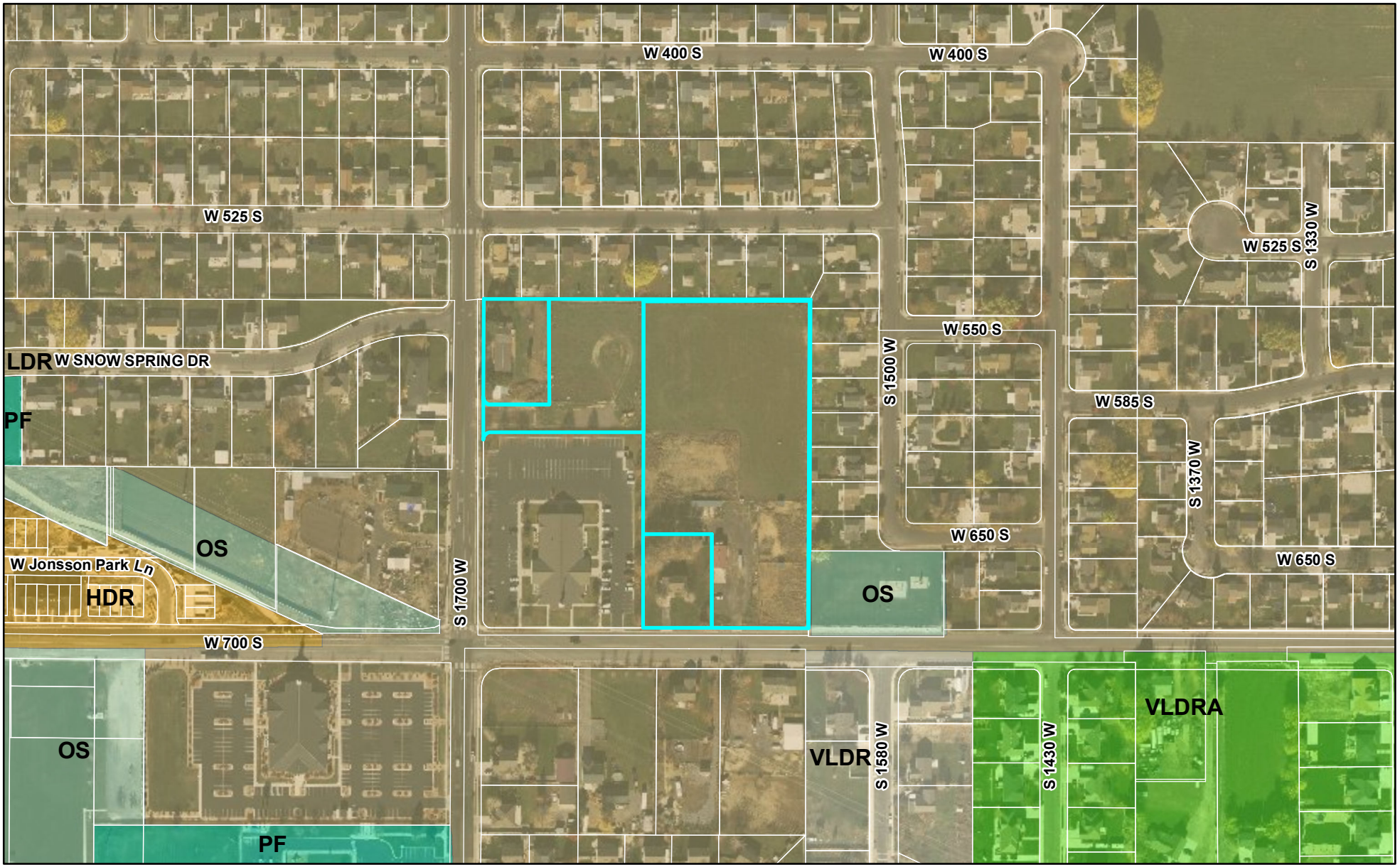


0 330 660 Feet

LEHI CITY

Bushman Final Subdivision

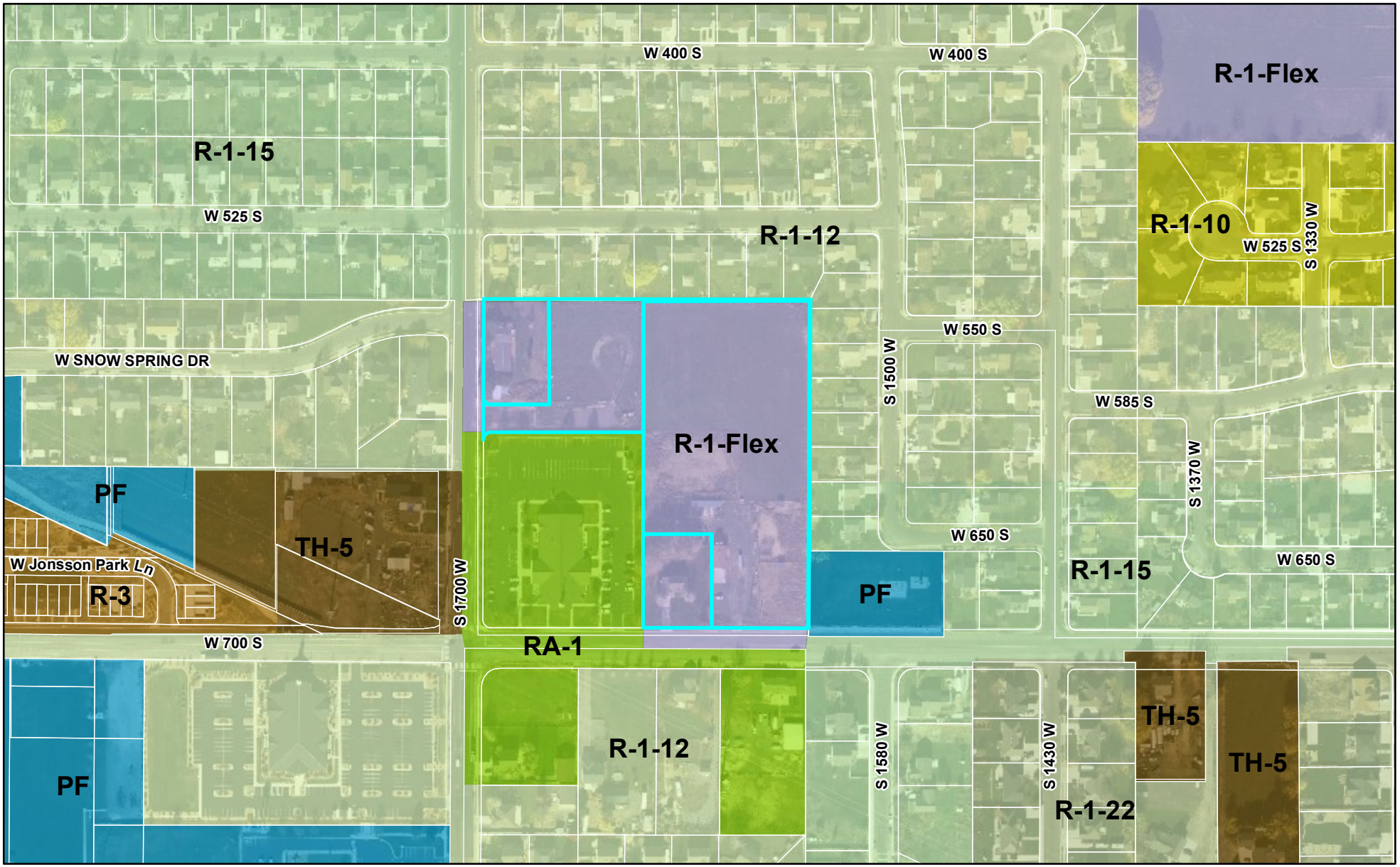
General Plan



LEHI CITY

Bushman Final Subdivision

Zoning



LEHI CITY

Agenda Item No: 12

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Katie Bussell
Submitting Department: Planning Division
Item Type: Resolution
Agenda Section: Regular Agenda

Subject:
Consideration of Resolution #09-2023, approving a Development Agreement to allow Family Support Center as an allowed use on property located at 322 North 2375 West.

Suggested Action:

Attachments:

Res 2023-09.docx

CC Staff Report Family Haven Development Agreement 02.14.23.docx

Development Agreement-Family Haven 02.09.23.docx

Parking Lot Exhibit.pdf

Lehi City Council Cover Letter.docx

LEHI CITY

RESOLUTION NO. 2023-09

A RESOLUTION OF THE LEHI CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT BETWEEN UTAH VALLEY FAMILY SUPPORT CENTER, INC. DBA FAMILY HAVEN ("DEVELOPER") AND LEHI CITY

WHEREAS, Developer has a legal interest in certain real property and desires to develop a residential project on the property;

WHEREAS, On December 13th, 2022, the City Council directed City staff to prepare a development agreement that would allow the proposed use as a permitted use in the R-22 Zone;

WHEREAS, on February 14, 2023, the 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 the Development Agreement with Developer; 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 Development Agreement 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 14th day of February, 2023.

LEHI CITY

_____

Mark Johnson, Mayor

ATTEST

_____

Teisha Wilson, City Recorder

EXHIBIT A

FAMILY HAVEN DEVELOPMENT AGREEMENT

CITY COUNCIL REPORT

Applicant	Tyler Parish		
Meeting Date	February 14th, 2023		
Requested Action/Purpose	Approval of a proposed development agreement.		
Location	322 & 344 North 2375 West		
Acreage	1.52 acres		
Existing Zoning	R-1-22		
Existing General Plan Land Use Designation	VLDRA		
Existing Land Use	Assisted Living & Vacant Property		
Adjacent Zoning and Land Use	*North*	R-1-22	Platinum Fields Subdivision
	South	R-1-22	Willow Park River Plat B Subdivision
	East	A-5	Undeveloped
	West	PF	Willow Haven Park
Date of DRC Review	August 31, 2022		
Date of Planning Commission Review	September 22, 2022		
Assigned Planner	Katie Bussell		

REQUIRED ACTION

Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060 Criteria for Approval
The Planning Commission should consider the following factors, among others, when reviewing a General Plan 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

October 14, 1987 – This property was incorporated into the City as the Bradley D Webb Addition.

June 8, 2010 – An amendment to lots 1, 2, & 3 of the Platinum Fields Subdivision was approved.

February 26, 2015 – A site plan and conditional use approval was granted for Phase 2 of Beehive Homes on 344 North 2375 West. This phase was not constructed within the approval timeframe and the approval expired.

October 11, 2022 – A General Plan Amendment for this parcel changing the designation from Very Low-Density Residential Agriculture to Neighborhood Commercial was denied.

REPORT ANALYSIS

The applicant requests approval on the Family Haven Development Agreement to accommodate use other than Elder Care on 1.52-acres located at 322 and 344 North 2375 West. The development agreement would accommodate a Family Support Center with corresponding community partner services. No additional buildings or structures would be erected on the property, but the parking lot would be expanded into the northern parcel to accommodate more parking and greenspace.

When the original Beehive Home was approved and built, it was under the use "Senior Care Facility" or "Residential Facility for Seniors". At the time, "Senior Care Facility" or "Residential Facility for Seniors" was considered a conditional use in the R-1-22 zone. When the original building and the proposed second building came through the city for approval, a conditional use was approved each time. The conditional use approval and site plan approval for the second building only lasted for a duration of two years, which is our standard approval timeline.

Since that time, the use was removed from the City's Development Code because it overlapped with other uses. This has left the property as a grandfathered non-conforming use. The applicant originally applied for a General Plan Amendment to change the designation from Very Low-Density Residential Agriculture to Neighborhood Commercial, but was denied due to concerns over impacts to the surrounding neighborhood. The proposed Development Agreement would allow for use other than Elder Care, specifically a Family Support Center, to be used on the property. This would help mitigate the effects on the surrounding area as it would specify a single use rather than all uses included in Neighborhood Commercial. The Family Support Center use in this case would be defined as providing child abuse prevention and treatment services including parenting courses, safety presentations, trauma resilience education, and therapy.

SCOPE OF APPROVAL

As a legislative item the City Council has a high level of discretion in whether they approve the Development Agreement or not. The Council should consider the impacts on the neighborhood and area.

POSSIBLE MOTIONS AND FINDINGS

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

1. The proposed development agreement is in alignment with the Lehi City General Plan is/is not detrimental to the public health, safety, and welfare of Lehi City.
2. The proposed development agreement is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
3. The proposed development agreement is/is not consistent with the land uses and zoning of nearby and adjoining properties.
4. The proposed development agreement will/will not have a substantial adverse effect on surrounding property.

5. The affected site is/is not physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public services to accommodate any potential future uses, including all landscaping, loading areas, open spaces, parking areas, setbacks, buffering/screening, walls, fences, yards, and other required features.
6. Additional findings based upon information presented during the public hearing.

DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT ("Agreement") effective as of the date the last Party signs below ("Effective Date") by and among Lehi City, a political subdivision of the State of Utah ("City") and Utah Valley Family Support Center, Inc. DBA Family Haven whose principal place of business is located at Joy A. O'Banion Bld. 1255 N 1200 W Orem, Ut 84057 ("Developer"). The City and the Developer are hereinafter referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. City, acting pursuant to its authority under Municipal Land Use, Development, and Management Act, Utah Code Ann. §§ 10-9a-101, -803, as amended, and in furtherance of its land use policies, goals, objectives, ordinances, and regulations of Lehi City, in the exercise of its legislative discretion, has elected to approve and enter into this Agreement.

B. Developer has a legal interest in certain real property, as described in Exhibit A attached hereto (Property).

C. On December 13, 2022, the City Council held a discussion regarding uses of the Property and their willingness to pursue a development agreement that would allow the proposed use in the current R-1-22 Zone as a permitted use.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, covenants, and provisions set forth herein, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1

1.1 Use Approval. The City agrees, and this Agreement confirms, that, in addition to the existing legal nonconforming elderly care facility use ("Nonconforming Use"), a family support center along with corresponding community partner services that provide coordinated care to the Family Support Center (the "Approved Use"), shall also be a permitted use on the property described herein on Exhibit "A" as of the Effective Date of this Agreement, subject to the terms of this Agreement. The Approved Use is further described in Exhibit C attached hereto and incorporated herein by this reference.

ARTICLE 2

2.1 Developer agrees to the following:

2.1.1 Obtain State approval for the operation of a family support center (see Exhibit C).

2.1.2 Obtain a building permit for any remodeling that is done.

2.1.3 Develop the site as generally represented in Exhibit B. No additional structures will be allowed on any part of the Property. Lot 2 of the Property can be used for additional parking and a pull through for a small number of daily drop offs at the facility, along with more area landscaped for outdoor recreation.

2.2 This Agreement and Developer's right to use the Property for the Approved Use shall begin on the Effective Date and expire only upon termination of this Agreement.

2.3 This Agreement will terminate without further action by either party if Developer has not received State approval and a Certificate of Occupancy for the Approved Use within two years of the Effective Date of this Agreement ("Termination Date"). If Developer is making reasonable progress toward completion, Developer may request an extension of the Termination Date of up to one additional year. Developer must make the request within 60 days of the Termination Date, and the City will not unreasonably withhold or delay granting such an extension.

2.5 Should Developer abandon the Approved Use for one full year at any time after receiving a Certificate of Occupancy, the Approved Use shall expire and only those uses allowed in the current R-1-22 Zone (or the then current zoning of the property), or the Nonconforming Use will be allowed.

ARTICLE 3

3.1 Breach and Cure. Any material failure by any Party to perform any term or provision of this Agreement, which breach continues uncured for a period of ten (10) days following written notice of such failure from the non-defaulting Party, unless such period is extended by written mutual consent, shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged breach and, where appropriate, the manner in which said breach satisfactorily may be cured. If the nature of the alleged breach is such that it cannot reasonably be cured within such 10-day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 10-day period. Upon the occurrence of an uncured breach or default under this Agreement as described above, the non-defaulting party may terminate this Agreement by written notice to the breaching party, and the non-defaulting Party may pursue any and all available legal or equitable remedies.

ARTICLE 4

4.1 Indemnification. Developer agrees to indemnify, hold harmless and defend the City from and against any and all loss, damage, or expense which the City may suffer or for which the City may be held liable by reason of any injury (including death) or damage to any property to the extent arising out of the Developer's breach of this Agreement. This indemnity provision shall not apply to claims arising from or attributable to the negligence or intentional conduct of the City.

4.2 No Agency, Joint Venture or Partnership. It is specifically understood and agreed to by and between the Parties that this Agreement does not create any form of agency relationship, joint venture, or partnership expressed or implied between them.

4.3 Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

4.4 Other Necessary Acts. Each Party shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.

4.5 Construction/Interpretation. The Parties acknowledge that each has had the opportunity to have this Agreement reviewed and revised by legal counsel and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

4.6 Other Miscellaneous Terms. The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

4.7 Waiver. No action taken by any Party shall be deemed to constitute a waiver of compliance by such Party with respect to any representation, warranty, or condition contained in this Agreement. Any waiver by any Party of a breach of any provision of this Agreement shall not operate or be construed as a waiver by such Party of any subsequent breach, except as outlined in Article 4.1 above.

4.8 Utah Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

4.9 Covenant of Good Faith and Fair Dealing. Each Party shall use its best efforts and take and employ all necessary actions in good faith consistent with this Agreement to ensure that the rights secured by the other Parties through this Agreement can be enjoyed.

4.10 Representations. Each Party hereby represents and warrants to each other Party that the following statements are true, complete and not misleading as regards the representing warranting Party;

(a) Such Party is duly organized, validly existing and in good standing under the laws of the state of its organization.

(b) Such Party has full authority to enter into this Agreement and to perform all of its obligations hereunder. The individual(s) executing this Agreement on behalf of such Party do so with the full authority of the Party that those individual(s) represent.

(c) This Agreement constitutes the legal, valid and binding obligation of such Party enforceable in accordance with its terms, subject to the rules of bankruptcy, moratorium and equitable principles.

4.11 No Third-Party Beneficiaries. This Agreement is between the City and the Developer. No other party shall be deemed a third-party beneficiary or have any rights under this Agreement.

4.12 Force Majeure. No liability or breach of this Agreement shall result from delay in performance or nonperformance caused, directly or indirectly, by circumstances beyond the reasonable control of the Party affected ("Force Majeure"), including, but not limited to, fire, extreme weather, terrorism, explosion, flood, war, power interruptions, pandemics and related governmental restrictions or actions, the act of other governmental bodies, accident, labor trouble or the shortage or inability to obtain material, service, personnel, equipment or transportation, failure of performance by a common carrier, failure of performance by a public utility, or vandalism.

4.13 Notices.

Any notice or communication required hereunder between the parties must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. Any Party may at any time, by giving ten (10) days written notice to the other Party, designate any other address to which notices or communications shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to the City:
The Honorable Mayor Mark Johnson
Lehi City
153 North 100 East
Lehi, UT 84043

With Copies to:
Ryan Wood
Lehi City Attorney
153 North 100 East
Lehi, UT 84043

If to Developer:
Utah Valley Family Support Center, Inc. DBA Family Haven
Janelle Christensen
Joy A. O'Banion Bld.
1255 N 1200 W
Orem, Ut 84057

4.14 Entire Agreement, Counterparts and Exhibits. Unless otherwise noted herein, this Agreement is the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer. This Agreement may only be modified as mutually agreed by both Parties in a writing signed by appropriate authorities of City and Developer.

4.15 Non-Assignability; Agreement to Run with the Land. This Agreement shall not be assignable by Developer except upon the express written consent of the City in its sole discretion; provided however, that Developer may fully assign this Agreement to its corporate parent, a corporate affiliate or a subsidiary. This Agreement will be a covenant that runs with the land and will be recorded against property.

[Remainder of page intentionally left blank; signature page to follow]

IN WITNESS WHEREOF, this Agreement has been entered into by and between City, and Developer as of the Effective Date.

LEHI CITY CORPORATION

_____
By: Mark Johnson
Its: Mayor

ATTEST:

_____
Teisha Wilson
City Recorder

FAMILY HAVEN

_____
By: XXXX
Its: _____

STATE OF UTAH)
ss:
COUNTY OF _____)

On this_____ day of _____, 2023 before me, _____ a notary public, personally appeared before me _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the _____ of FAMILY HAVEN and that said document was signed by him in behalf of said Company by Authority of its operating agreement, or member or manager consent, and said _____ acknowledged to me that said Company executed the same.

Witness my hand and official seal.

_____
Notary Public

(notary seal)

Exhibit "A"

Property Legal Description

LOTS 1 AND 2, PLAT C, PLATINUM FIELDS SUB AREA 0.828 AC.

Exhibit "B"

Conceptual layout

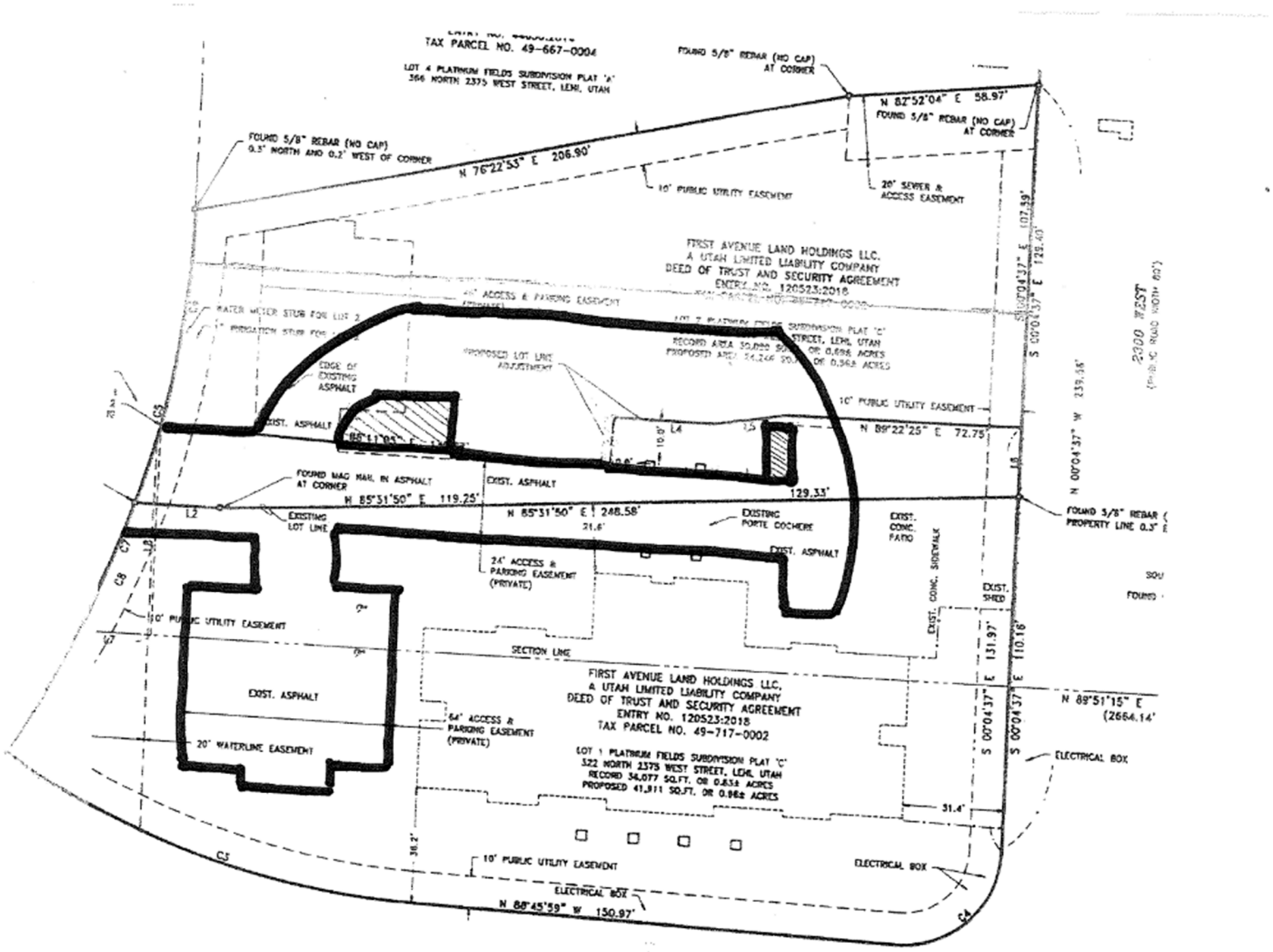


Exhibit "C"

Family Support Center

FAMILY HAVEN
Support · Hope · Healing

January 30, 2023

Dear Lehi City Mayor and Councilmembers,

BOARD OF DIRECTORS
Russel Havens, PRESIDENT
Heather Daniel, VICE PRESIDENT
Claudia Laycock, SECRETARY
Kirt Michaelis, TREASURER
Emily Ross, PAST PRESIDENT
Karen McCandless
Kay Lindsay
Dick Foote
McKenzie Bauer
Leslie Slaugh
Alysha Rogers
Courtney Parker

MANAGEMENT TEAM
Janelle Christensen, EXECUTIVE DIRECTOR
Morgan Oliphant, CLINICAL DIRECTOR
Rachelle Hardman, COMMUNITY SERVICES DIRECTOR
Camila Rosas, OPERATIONS DIRECTOR

The mission of Family Haven is to build a community of healthy, happy individuals and families

Thank you for your time to learn about an opportunity to serve the citizens of our community, particularly those who are low-income and disadvantaged. Family Haven (formerly Family Support & Treatment Center) has helped strengthen and support local children and families in Utah Valley since 1984. At the time, the agency focused only on providing child abuse prevention services, but therapeutic clinical services were added in an effort to maximize programs while minimizing administrative costs. Today the agency serves approximately 18,000 unduplicated individuals annually across all programs.

Family Haven's mission is to build a community of healthy, happy individuals and families. We accomplish this through prevention and treatment of child abuse and other familial trauma. Programs and services include: a 24/7 Crisis Respite Nursery, Adoption Respite, Parenting courses, Child Abuse Prevention & Personal Safety presentations, Trauma Resilience Education, and Clinical Therapy. By providing both prevention and clinical services, Family Haven has expanded in ways tailored to meet the community's needs as well as possible. While Family Haven is a new name, the mission and identity as a Family Support Center has not changed. We are also part of a statewide association, Family Support Centers of Utah, which works together to coordinate and improve services across the state.

Utah County has grown rapidly over the last two decades and our agency recognizes the need to grow correspondingly. Mental health, depression, and suicide were significant concerns across Utah even prior to the global pandemic, but have since become more pressing. Within Utah County, many findings from the 2022 United Way Community Assessment indicate that depression, anxiety, and poor emotional and mental health are becoming more prevalent generally. Family Haven can alleviate some of these difficulties.

We hope you agree that our services will be a welcome addition to Lehi City and aligned with Lehi's Communities that Care initiative, as well as the Utah County Commissioner's prioritization of ARPA funding, to combat these social issues. We are grateful for your consideration of our request and are available to answer any questions you may have.

Sincerely,

Janelle Christensen

Janelle Christensen, MSW
Executive Director

Joy A. O'Banion Building | 1255 N 1200 W Orem, UT 84057 | Phone: (801) 229-1181 | family-haven.org

FAMILY HAVEN
Support · Hope · Healing

Community Success Stories

Betzaida Halasima Carrillo: "In 2010, I found myself alone with two young daughters. After only two years of marriage, I discovered my then husband was living a double life. He struggled with a sexual addiction, frequented adult establishments and was unfaithful. My world crumbled and I quickly sought help from therapists and addiction recovery programs.

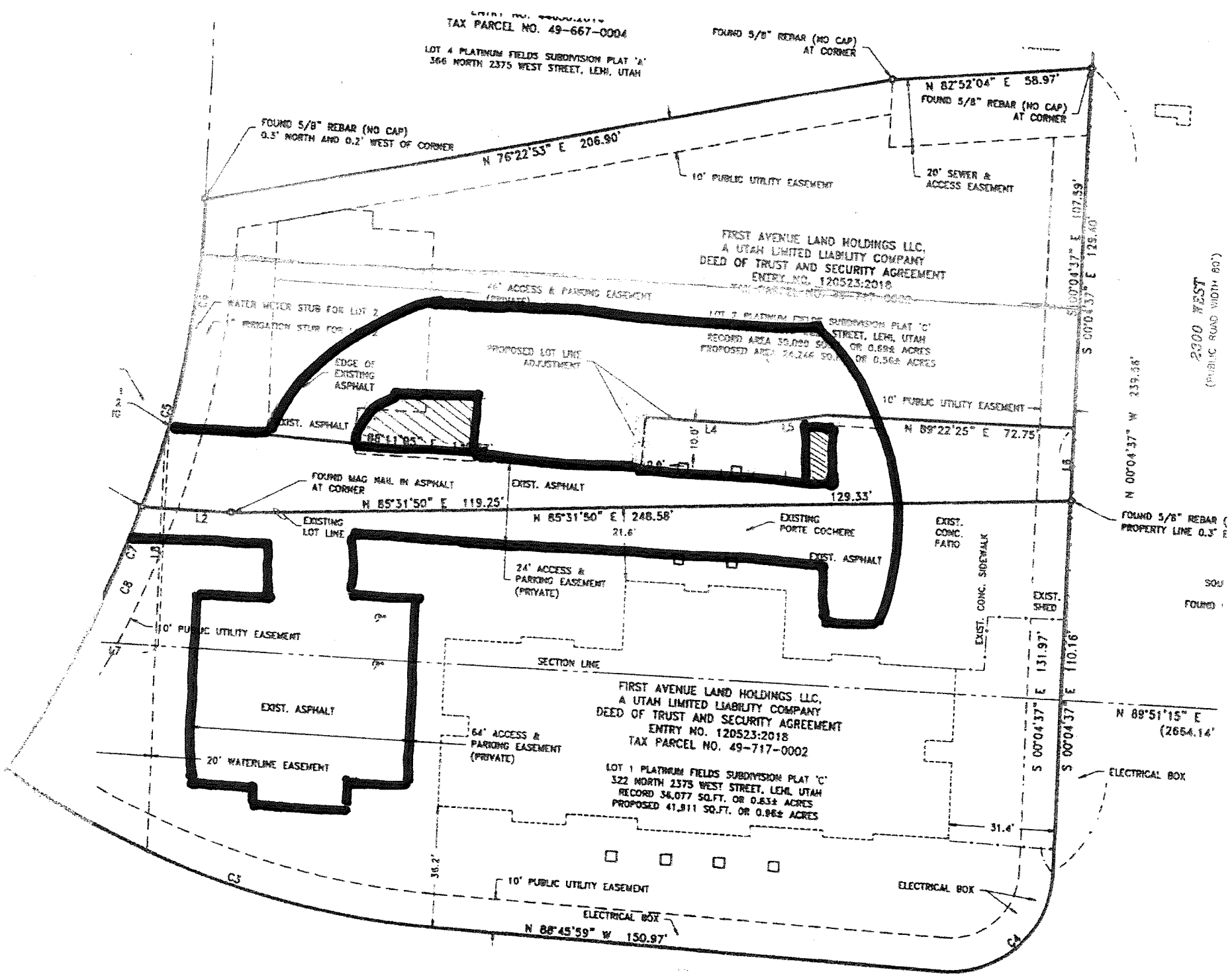
Although my first spouse did not choose recovery, I did. I quickly understood that addiction is a family disease and I seriously wanted to live a healthy life and give my children a healthy home and a healthy example. I knew that change needed to start with me. The center played a crucial role in my recovery. They Provided a safe place for my children to play while I attended 12 steps, counseling, and later went on to meet with lawyers to finalize my divorce.

The center continues to be an extremely meaningful and significant safe place for my family. All four of my kids love to attend the nursery when I go to my recovery meetings. There, they are loved, they are happy, they are well taken care of, they are safe. The center has been the pivotal force in helping me have a beautiful and successful family today. I would not have been able to do even a fraction of the growing and changing that I have done thus far without their help."

Jill Hyde: "We were referred to the agency at a time when my five year old son was experiencing debilitating anxiety. As a mother I felt like I was completely drowning. Despite my best efforts I could not seem to help my son. It was an awful situation for the entire family.

Stuart showed me how to listen with my heart instead of my ears. Now, I no longer hear about earthquakes, I hear about a little boy who is scared of a big world he cannot predict. I no longer try to explain the odds of an earthquake and such silly stuff. Now I hold him, I tell him earthquakes are scary and that I know he is really worried about it tonight.

My son still worries but his nightly panic attacks have ceased. The difference in my son, home and family are noticeable to everyone around us. I am tremendously grateful for the new skill set Stuart took the time to teach me. It has changed all our lives. Our community is fortunate the agency exists and offers indiscriminately the tools to repair and improve family relations."


TAX PARCEL NO. 49-667-0004
LOT 4 PLATINUM FIELDS SUBDIVISION PLAT 'A'
366 NORTH 2375 WEST STREET, LEHI, UTAH
FOUND 5/8" REBAR (NO CAP) AT CORNER
N 82°52'04" E 58.97'
FOUND 5/8" REBAR (NO CAP) 0.5' NORTH AND 0.2' WEST OF CORNER
N 76°22'53" E 206.90'
10' PUBLIC UTILITY EASEMENT
20' SEWER & ACCESS EASEMENT
FIRST AVENUE LAND HOLDINGS LLC,
A UTAH LIMITED LIABILITY COMPANY
DEED OF TRUST AND SECURITY AGREEMENT
ENTRY NO. 120523:2018
44' ACCESS & PARKING EASEMENT (PRIVATE)
WATER METER STUB FOR LOT 2
IRRIGATION STUB FOR LOT 2
EDGE OF EXISTING ASPHALT
PROPOSED LOT LINE ADJUSTMENT
RECORD AREA 50,000 SQ.FT. OR 0.69± ACRES
PROPOSED AREA 54,244 SQ.FT. OR 0.56± ACRES
EXIST. ASPHALT
10' PUBLIC UTILITY EASEMENT
N 89°22'25" E 72.75'
S 00°04'37" E 129.60'
2300 WEST
(PUBLIC ROAD WIDTH 80')
N 00°04'37" W 239.38'
FOUND MAG NAIL IN ASPHALT AT CORNER
N 85°31'50" E 119.25'
EXISTING LOT LINE
N 85°31'50" E 248.58'
129.33'
EXISTING PORTE COCHERE
EXIST. CONC. PATIO
EXIST. CONC. SIDEWALK
EXIST. SHED
FOUND 5/8" REBAR PROPERTY LINE 0.3'
24' ACCESS & PARKING EASEMENT (PRIVATE)
10' PUBLIC UTILITY EASEMENT
SECTION LINE
EXIST. ASPHALT
64' ACCESS & PARKING EASEMENT (PRIVATE)
20' WATERLINE EASEMENT
FIRST AVENUE LAND HOLDINGS LLC,
A UTAH LIMITED LIABILITY COMPANY
DEED OF TRUST AND SECURITY AGREEMENT
ENTRY NO. 120523:2018
TAX PARCEL NO. 49-717-0002
LOT 1 PLATINUM FIELDS SUBDIVISION PLAT 'C'
322 NORTH 2375 WEST STREET, LEHI, UTAH
RECORD 36,077 SQ.FT. OR 0.83± ACRES
PROPOSED 41,911 SQ.FT. OR 0.96± ACRES
S 00°04'37" E 131.97'
S 00°04'37" E 110.16'
N 89°51'15" E (2654.14'
ELECTRICAL BOX
31.4'
36.2'
10' PUBLIC UTILITY EASEMENT
ELECTRICAL BOX
ELECTRICAL BOX
N 88°45'59" W 150.97'

FAMILY HAVEN
Support • Hope • Healing

January 30, 2023

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BOARD OF DIRECTORS
Russel Havens, PRESIDENT

Heather Daniel, VICE PRESIDENT

Claudia Laycock, SECRETARY

Kirt Michaelis, TREASURER

Emily Ross, PAST PRESIDENT

Karen McCandless

Kay Lindsay

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McKenzie Bauer

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Sincerely,

Janelle Christensen

Janelle Christensen, MSW
Executive Director

Agenda Item No: 13

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Jacob Curtis
Submitting Department: Planning Division
Item Type: Ordinance
Agenda Section: Regular Agenda

Subject:
Consideration of Ordinance #15-2023 a Development Code Amendment to Chapter 3 and a Municipal Code Amendment, removing redundant language and changing the number of Planning Commissioners from seven to five.

Suggested Action:

Attachments:

CC Staff Report Chapter 3 Development Code Amendment- PC Structure 02.14.23.docx

Chapter 3 & Municipal Code Amendment DRC 01.11.23.docx

Ord 15-2023.docx

Planning Commission Structure Code Amendments 01.11.23.pdf

CHAPTER 3- PLANNING COMMISSION STRUCTURE DEVELOPMENT CODE AMENDMENT

CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	February 14, 2023
Requested Action/Purpose	Approval of a proposed amendment to the Lehi City Development Code
Date of DRC Review	January 11, 2023
Date of Planning Commission Review	January 26, 2023

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 applicant requests approval of a Development Code amendment to Chapter 3 (Administration). The amendment seeks to remove redundancy from the Development Code by removing sections already in the Municipal Code.

Specifically, sections pertaining to the City Council, Planning Commission, Land Use Hearing Examiner, and Parks, Trails and Trees Advisory Committee have been removed from Chapter 3.

The DRC reviewed the proposed amendment and had the following comment:

1. Planning Commission bylaws also need to be updated to reflect this change.

Please consider the DRC comment in the 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 26, 2023. The minutes and motion from this meeting are as follows:

2.8) Public hearing and recommendation of Lehi City's request for review of a Development Code amendment to Chapter 3 and a Municipal Code Amendment, removing redundant language and changing the number of Planning Commissioners from seven to five.
Jacob Curtis presented information on the agenda item.

Commission Chair Newall opened the public hearing.

Commission Chair Newall closed the public hearing.

Motion: Commissioner Jackson moved to recommend approval of **Lehi City's request for review of a Development Code amendment to Chapter 3 and a Municipal Code Amendment, removing redundant language and changing the number of Planning Commissioners from seven to five;** including all DRC comments and findings stated in the report. Commissioner Eyre seconded.

Vote: Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

Chapter 3 & Municipal Code Amendment
DRC Redline Comments

Lehi City – requests review of a Development Code amendment to Chapter 3 and a Municipal Code Amendment, removing redundant language and changing the number of Planning Commissioners from seven to five.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Jacob Hernandez, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer, Luke Seegmiller
Representatives of the Applicant Present: Kim Struthers
Date of Plans Reviewed: 1/3/23
Time Start: 1:00 PM
Time End: 1:06 PM

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire: No comments
Ryan – Water/Sewer: No comments
Trent – Parks: No comments
Gary – Building/Inspections: No comments
Jacob – Public Works: No comments
Ross – Engineering: No comments
Luke- Traffic: No comments
Kim – Planning:

1. Planning Commission bylaws also need to be updated to reflect this change.

THIS ITEM WILL BE SCHEDUKED FOR PLANNING COMMISSION, JANUARY 26, 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: 15-2023

AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE CHAPTER 3

WHEREAS, it has become necessary to amend Chapter 3 of the Lehi City Development Code, removing sections pertaining to committees that is already in the Municipal Code; and

WHEREAS, this amendment seeks to simplify Chapter 3; and

WHEREAS, following a public hearing on January 26, 2023, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on February 14, 2023, 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 26, 2023, 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 3 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 3 of the Lehi City Development Code is hereby amended.

PART II:

A. If a provision of this Ordinance 15 -2023 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 14th day of February 2023.

ATTEST

_____ _____

Mark Johnson, Mayor Teisha Wilson, City Recorder

CHAPTER 03

ADMINISTRATION

(Amended 11/14/17, 11/16/21)

Section 03.010. ~~Decision-Making and~~ Administrative ~~Bodies~~officials.
~~Section 03.020. City Council~~
~~Section 03.030. Planning Commission~~
~~Section 03.040. Land Use Hearing Examiner~~
~~Section 03.050. Parks Trails and Trees Advisory Committee~~
~~Section 03.060.~~Section 03.020. Reviewing Departments
~~Section 03.070.~~Section 03.030. Zoning Administrator
~~Section 03.080.~~Section 03.040. Staff
~~Section 03.090.~~Section 03.050. Meetings and Public Hearings
~~Section 03.100.~~Section 03.060. Public Hearing Noticing

Section 03.010 ~~Decision-Making and~~ Administrative ~~Bodies~~Officials.

The ~~decision-making~~ administrative bodies and officials identified in ~~the title~~this Chapter have responsibility for implementing and administering the Lehi City General Plan and Lehi City Development Code. Other City ~~departments,~~ bodies, Commissions and officials also may have specific responsibilities related to this Development Code and are identified in the Lehi City Municipal Code.~~as appropriate~~.

~~Section 03.020 City Council.~~

~~*(Amended 12/13/16)*~~

~~The Lehi City Council ("Council") shall have the following powers and duties:~~

~~A. to adopt the Lehi City General Plan and all elements of the General Plan;~~

~~B. to initiate amendments to the text and map of this Code, the Lehi City General Plan, and all elements of the General Plan;~~

~~C. to approve, deny, or to amend and approve applications for development approval;~~

~~D. to render, or to appoint a hearing officer to render a determination, pursuant to the provisions of Chapter 31 of this Code, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this Code;~~

~~E. to establish a fee schedule by resolution for applications for development approval, zone district amendments and all other approvals, permits and licenses required by this Code;~~

~~F. to designate and appoint an administrative official to decide routine and uncontested matters which otherwise would be heard by the Hearing Examiner; and~~

~~G. to take such other action not expressly delegated to the Reviewing Department, Planning Commission or the Hearing Examiner that may be desirable and necessary to implement the provisions of the Lehi City General Plan and this Code.~~

~~Section 03.030 Planning Commission.~~

~~*(Amended 2/8/00)*~~

~~A. Creation. There is hereby created and established a Lehi City Planning Commission ("Commission").~~

~~B. Powers and Duties. The Commission shall be an advisory body to the City Council in making decisions pertaining to amendments to the Lehi City General Plan and this Code. The Commission shall have the following powers and duties:~~

~~1. to prepare or cause to be prepared a General Plan or element thereof and to submit the proposed General Plan or elements to the City Council;~~

~~2. to prepare or cause to be prepared amendments to the General Plan or elements thereof from time to time and submit the proposed amendments to the City Council;~~

~~3. to review and make recommendations to the City Council with regard to amendments to the Lehi City General Plan Land Use Maps;~~

~~4. to review and make recommendations to the City Council with regard to interpretations of authorized permitted and Conditional Uses;~~

~~5. to initiate, hear, review and make recommendations to the City Council on applications for amendments to the text or Zoning District Map of this Code;~~

~~6. to hear, review, recommend approval or disapproval, or approve or disapprove applications for development approval, as authorized in accordance with the provisions of this Code;~~

7. to hear and decide appeals from actions of the Reviewing Departments; and

8. to adopt bylaws, policies, procedures and regulations for the conduct of its duties and meetings, for the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Commission, provided that such bylaws, policies, procedures and regulations shall be consistent with this Code and shall be approved by the City Council before taking effect.

C. Qualifications for Membership. Members of the Commission shall be appointed from the qualified electors of the City.

D. Membership: Appointment, Removal, Terms, and Vacancies.

1. The Commission shall be composed of seven members to be appointed by the Mayor with the advice and consent of the City Council. Each member of the City Council may submit names of candidates.

2. The Mayor, with the advice and consent of the City Council, may remove any member of the Commission for violation of this Code or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Mayor shall provide the member with a hearing, if requested.

3. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the City Council.

4. All members shall serve a term of three years. No member shall serve more than three consecutive terms.

5. At an annual organizational meeting, the members of the Commission shall elect one of their members as chair and one of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of one year. No member shall serve as chair for more than two consecutive terms.

6. The chair, or in the chair's absence the vice-chair, shall administer oaths, shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.

E. Alternate Members.

1. The Mayor with the advice and consent of the City Council may appoint up to two alternate Planning Commissioners who may act with the full powers and duties of a regular Planning Commissioner, however, an alternate member may vote only in the absence of a regular member. The senior alternate member will be the first to replace an absent regular member.

2. Alternate members may participate in the discussion and debate of a meeting even if all regular members are present. However, if all regular members are present, the alternate members do not vote.

3. Alternate members shall not vote in the place of a member who abstains from voting unless that member completely withdraws from the discussion and removes himself/herself from the Commission table during the consideration for the matter upon which he/she abstains. Under such circumstances, the alternate member may sit as a replacement for the regular member for that particular agenda item.

4. The appointment and participation of alternate members does not increase the number of members of the Commission nor does it increase the number of members constituting a quorum required to take action. When an alternate member fills in for an absent or abstaining regular member, such alternate is considered to be a regular member for the purpose of that meeting or agenda item.

5. Alternate members shall serve a term of three years.

F. Recording Secretary. The Mayor shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall maintain all records of Commission meetings, hearings and proceedings, and handle the correspondence of the Commission.

G. Quorum and Necessary Vote. No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of at least four members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All actions shall require the vote of a majority of the members of the Commission.

H. Meetings, Hearings and Procedure.

1. The Commission shall establish a regular meeting schedule.

2. Special meetings may be requested by the City Council, the chair of the Commission, or a majority of the members of the Commission.

3.1. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify interested parties and all members of the Commission of the date of the continued meeting.

Section 03.040 Land Use Hearing Examiner.

(Amended 11/28/06; 12/13/16)

A. Creation. There is hereby created and established a Lehi City Land Use Hearing Examiner.

B. Powers and Duties.

1. The Hearing Examiner shall hear and decide:
   (a) appeals from final administrative decisions of the Zoning Administrator applying the provisions of this Code;
   (b) variances from the terms of this Code with a finding of unreasonable hardship as allowed by Chapter 25;
   (c) interpretations of a zoning district boundary line as allowed by Section 02-020;
   (d) appeals from Planning Commission decisions concerning Conditional Use permits; and
   (e) requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion or enlargement of a nonconforming building or structure.

2. The Hearing Examiner shall not have power, jurisdiction or authority to consider:
   (a) variances to any of the standards governing approval of subdivisions, site plans, or Conditional Use permits; or
   (b) amendments to the General Plan, any element or map of the General Plan, any provision, requirement or map of this Code, or the Zoning District Maps including the permissible use of land within any Zoning District.

C. Qualifications for Membership. The Hearing Examiner shall be retained by the Mayor or the Mayor's designee as needed to fulfill the duties and responsibilities described in this chapter and shall be an attorney currently licensed to practice law in Utah. The Hearing Examiner shall have experience in Utah municipal land use law, municipal land use code, constitutional due process requirements and administrative or quasi-judicial hearings.

D. Recording Secretary. The City Recorder shall provide a Recording Secretary to serve the Hearing Examiner. The Recording Secretary shall keep minutes of all proceedings of the Hearing Examiner, which minutes shall be the official record of all proceedings before the Hearing Examiner, attested to by the Hearing Examiner. The Recording Secretary shall maintain all record of Hearing Examiner meetings, hearings and proceedings, and handle the correspondence of the Hearing Examiner.

E. Meetings, Hearings and Procedure.

1. Meetings: Meetings of the Hearing Examiner shall be held only as necessary to fulfill the duties and responsibilities described in this chapter.

2. Other Duties: The Hearing Examiner may adopt rules in accordance with the provisions of State law, this chapter, and any other applicable City Ordinance. Meetings of the Hearing Examiner shall be held at such times as the Hearing Examiner may determine. The Hearing Examiner may administer oaths and compel the attendance of witnesses. All meetings of the Hearing Examiner shall be subject to the Utah Open Meetings Act.

3. Written Statement Setting Forth Theories of Relief Required: The appellant shall deliver to the Hearing Examiner and all other participants, five business days prior to the hearing, a written statement setting forth each and every theory of relief the appellant intends to raise at the hearing, along with a brief statement of facts in support thereof.

4. Condition Precedent to Judicial Review: No

theory of relief may be raised in the District Court unless it was timely and specifically presented to the appeal authority.

5. Standard of Review and Burden of Proof on Appeal: The Hearing Examiner shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeals is on the appellant.

Section 03.050 Parks, Trails, and Trees Advisory Committee. *(New 04/22/04)*

A. Parks, Trails, and Trees Advisory Committee. There is hereby created and established a Lehi City Parks, Trails, and Trees Advisory Committee (PTTAC). The following provisions shall apply to the Committee:

1. Appointment. The Mayor shall appoint, and the City Council approve a Parks, Trails, and Trees Advisory Committee consisting of seven voting members, all of whom shall be residents of the City. Other non-voting members of the Committee may be appointed by the Mayor as needed.

2. Term of Office.
   (a) All members shall serve a term of six years.
   (b) Members may be reappointed, with no limit on the number of terms a member may serve.
   (c) In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

3. Chairperson. At an organizational meeting, the members of the Committee shall elect one of their members as chair and one of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term as per the bylaws of the Committee.

4. Receipt of gifts and bequests. The PTTAC, on behalf of and with the consent of the City Council, shall have the authority to receive gifts or bequests for the purchase and planting of trees and shrubs along any street, avenue or public property and fund other special events sponsored by the Committee. Such gifts or bequests shall be received by the City Treasurer and conveyed into a special fund for the purposes set out in this Chapter.

5. Compensation. Members of the Committee shall serve without compensation but may be reimbursed for personal expenditures on behalf of the Committee. Any expenditure to be reimbursed shall be reviewed and recommended by the Committee and approved by the Lehi City Finance Director.

B. Parks, Trails, and Trees Advisory Committee Duties and Responsibilities. The Committee shall be an advisory body to the Mayor, City Council, Planning Commission, department heads, and other City employees in making decisions regarding the needs and management of the City's parks, open space, trails, and trees. The Committee shall report to and is accountable to the Mayor and City Council. The Committee shall have the following duties and responsibilities:

1. assist in the development and administration of a community tree management program for Lehi City;

2. adopt bylaws, policies, procedures and regulations for the conduct of its duties and meetings, for the consideration of items brought before the Committee, and for any other purposes deemed necessary for the functioning of the Committee provided that such bylaws, policies, procedures and regulations shall be approved by the City Council before taking effect;

3. review development applications in an advisory capacity that include elements pertaining to parks, trails, open space and community forestry, and provide recommendations to the Planning Commission and City Council regarding the applications;

4. develop and maintain a Street Tree and Landscape Tree Selection Guide;

5. assist the City's department heads in establishing educational and information programs;

6. assist the City's department heads in the establishment and maintenance of a street tree inventory database and mapping;

7. in cooperation with the Lehi City Historic Preservation Commission, identify and mark notable or historic trees for preservation; and

~~8. assist the City's department heads in the scheduling and planning of an annual Arbor Day observance.~~

Section 03.~~060~~ 020 Reviewing Departments.
(Amended 3/23/04; 05/13/14)

A. Review Required. The following departments and divisions, collectively known as the Reviewing Departments, shall provide technical reviews on all development requests requiring approval from the Planning Commission and City Council:

1. Engineering Department;
2. Planning Division;
3. Public Works Department;
4. Building Division;
5. Fire Department;
6. Power Department;
7. Water Department;
8. Parks Division; and
9. Streets Division.

B. As requested by the Reviewing Departments, a representative from the Streets Division, Police Department, Recreation Division, and any other City department or staff may be asked to provide input during the review process.

C. Procedure. The following procedure shall govern the review and approval process on all development requests requiring approval from the Planning Commission or City Council:

1. The Planning Division shall coordinate and oversee the review process referenced in Section 03.060(A).

2. Applications for development requests shall be submitted to the Planning Division. Only complete applications, as determined by the Planning Division, shall be forwarded to the Reviewing Departments. It shall be the applicant's responsibility to ensure that the application is complete.

3. At any time during the review process, any or all of the Reviewing Departments may require the applicant to provide additional information regarding the applicant's development request. Any or all of the Reviewing Departments may also request the applicant to appear personally or through a representative of the applicant before the Department and provide additional information regarding the application.

4. The Planning Division shall compile and maintain a record of each Reviewing Department's application review. Once the Planning Division has received and compiled each required review for an application, the Planning Division shall forward the application and compilation of reviews to the Planning Commission and City Council, as applicable, for consideration. A consensus approval by the Reviewing Departments of the proposed development application is required before any such application or compilation of reviews is forwarded to the Planning Commission and City Council.

5. The Planning Division shall also provide a copy of the reviews to the applicant. Applications containing Development Code deficiencies, as indicated by the Reviewing Departments, shall be corrected by the applicant and resubmitted to the Planning Division for further review and submittal to the Planning Commission and City Council.

Section 03.~~070~~ 030 Zoning Administrator.
It is the responsibility of the Zoning Administrator to ensure all processes, procedures and other provisions of this Code are consistently and equitably applied and to affect the general administration and enforcement of this Code. The City Council shall designate a staff person, or staff persons, to carry out the responsibilities of the Zoning Administrator. The staff person or persons designated are referred to in this Code as the "Zoning Administrator".

Section 03.~~080~~ 040 Staff.
(Amended 12/13/16)
The staff of the Lehi City Planning Division shall perform the planning functions of the City, shall provide professional and technical support, advice and guidance on all amendments to the General Plan, General Plan Elements, and this Code, on all applications for development approval, permits, licenses and appeals, and shall perform all other functions as may be requested by the City Council, the Planning Commission, the Hearing Examiner, or as authorized by this Code.

Section 03.~~090~~ 050 Meetings and Public Hearings.
(Amended 5/22/01; 7/10/07; 12/13/16)
All meetings and hearings of the City Council, Planning Commission, Hearing Examiner and Reviewing Departments shall comply with the provisions of this Code and the Utah Code. At least ten days' notice shall be provided for all public hearings required by this Code, except public hearings required for all applications for preliminary subdivision plat, which

shall require at least seven days' notice, and all applications for annexation which shall be noticed according to the Utah Code. The applicant shall be required to pay the cost for the City to provide the required notice to all property owners and public entities as required by this Code.

Section 03.~~100~~ 060 Public Hearing Noticing.
(Amended 5/22/01; 11/19/19; 8/09/22)

A. Courtesy Notices. As a courtesy to property owners, all applicants for a concept plan required by Code, conditional use permit or preliminary subdivision plat, and applicants requesting an exception or variance on a site plan or subdivision concept plan shall provide the City with stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities, together with a mailing list for those owners.

Any defect in courtesy notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.

B. Required Notices.

1. All applicants for **g**eneral plan amendment, annexation, area plan, zoning map amendment or required subdivision plat amendment shall provide the City with stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities, together with a mailing list for those owners.

2. All applicants for vacation of a street shall provide the City with stamped and preaddressed envelopes for each owner of record of each parcel that is accessed by the public street, together with a mailing list for those owners.

3. Amendments to subdivisions and vacation of or change to street shall also have a sign posted on the property to give notice to passers-by.

C. The names and addresses shall be as shown on the most recently available Utah County tax assessment rolls. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate. The notices shall be mailed by the City and state that an application has been filed, the nature of the application or action, and the time place and date set for a public hearing or meeting on the matter.

CHAPTER 2
PLANNING COMMISSION

SECTION:

3-2-1: Creation

3-2-2: Powers And Duties

3-2-3: Qualifications For Membership

3-2-4: Membership; Appointment, Removal, Terms And Vacancies

3-2-5: Alternate Members

3-2-6: Recording Secretary

3-2-7: Quorum And Necessary Vote

3-2-8: Meetings, Hearings And Procedure

3-2-1: CREATION:

There is hereby created and established a Lehi City planning commission ("planning commission"). (2015 Code)

3-2-2: POWERS AND DUTIES:

The planning commission shall be an advisory body to the city council in making decisions pertaining to amendments to the Lehi City general plan and the Lehi City development code. The planning commission shall have the following powers and duties:

A. To prepare or cause to be prepared a general plan or element thereof and to submit the proposed general plan or element(s) to the city council;

B. To prepare or cause to be prepared amendments to the general plan or elements thereof from time to time and to submit the proposed amendments to the city council;

C. To review and make recommendations to the city council with regard to amendments to the Lehi City general plan land use map(s);

D. To review and make recommendations to the city council with regard to interpretations of authorized permitted and conditional uses;

E. To initiate, hear, review and make recommendations to the city council on applications for amendments to the text or zoning district map of the Lehi City development code;

F. To hear, review, recommend approval or disapproval, or approve or disapprove applications for development approval, as authorized in accordance with the provisions of the Lehi City development code;

G. To hear and decide appeals from the actions of the development review committee; and

H. To adopt bylaws, policies, procedures and regulations for the conduct of its duties and meetings, for the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the commission provided; that, such bylaws, policies, procedures and regulations shall be consistent with the Lehi City development code and shall be approved by the city council before taking effect. (2015 Code)

3-2-3: QUALIFICATIONS FOR MEMBERSHIP:

Members of the commission shall be appointed by the mayor with the advice and consent of the city council from the qualified electors of the city. (2015 Code)

3-2-4: MEMBERSHIP; APPOINTMENT, REMOVAL, TERMS AND VACANCIES:

A. The commission shall be composed of ~~seven (7)~~ five (5) members to be appointed by the mayor with the advice and consent of the city council. Each member of the city council shall be authorized to submit names of candidates.

B. The mayor, with the advice and consent of the city council, may remove any member of the commission for violation of the Lehi City development code or any policies or procedures adopted by the commission following receipt of a written complaint filed against the member. The mayor shall provide the member with a hearing, if requested.

C. Members of the commission may be compensated on a per diem basis, based upon the meetings actually attended and reasonable and necessary expenses, as determined by the city council.

D. All members shall serve a term of three (3) years. No member shall serve more than three (3) consecutive terms.

E. At an annual organizational meeting, the members of the commission shall elect one of their members as chair and one of their members as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of one year. No member shall serve as chair for more than two (2) consecutive terms.

F. The chair, or in the chair's absence the vice chair, shall administer oaths, shall be in charge of all proceedings before the commission, and shall take such action as necessary to preserve order and the integrity of all proceedings before the commission. (2015 Code)

3-2-5: ALTERNATE MEMBERS:

A. ~~A.~~ The mayor, with the advice and consent of the city council, may appoint up to two (2) alternate planning commissioners who may act with the full powers and duties of a regular planning commissioner, however, an alternate member may vote only in the absence of a regular member. The senior alternate member will be the first to replace an absent regular member.

B. Except for illness or other unforeseen circumstances, Regular members shall notify the Recording Secretary at least one (1) week in advance of a meeting if they are unable to attend so that an alternate member can be prepared to attend in their place.

B. Alternate members may attend ~~participate in the discussion and debate of~~ a meeting even if all regular members are present, however they will sit in the audience and not participate in the discussion and debate with the regular members. ~~However, if all regular members are present, the alternate member(s) do not vote.~~

C. Alternate members shall not vote in the place of a member who abstains from voting unless that member completely withdraws from the discussion and removes themselves from the commission table during the consideration of the matter upon which the commissioner abstains. Under such circumstances, the alternate member may sit as a replacement for the regular member for that particular agenda item.

D. The appointment and participation of alternate members does not increase the number of members of the commission nor does it increase the number of members constituting a quorum

required to take action. When an alternate member fills in for an absent or abstaining regular member, such alternate is considered to be a regular member for the purpose of that meeting or agenda item.

E. Alternate members shall serve a term of three (3) years. (2015 Code)

3-2-6: RECORDING SECRETARY:

The mayor shall appoint a recording secretary to serve the commission. The recording secretary shall keep the minutes of all proceedings of the commission, which minutes shall be the official record of all proceedings before the commission, attested by a majority vote of the members of the commission. The recording secretary shall maintain all records of commission meetings, hearings and proceedings, and handle the correspondence of the commission. (2015 Code)

3-2-7: QUORUM AND NECESSARY VOTE:

No meeting of the commission may be called to order, nor may any business be transacted without a quorum consisting of at least ~~four (4)~~ three (3) members of the commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the commission. All actions shall require the vote of a majority of the members of the commission. (2015 Code)

3-2-8: MEETINGS, HEARINGS AND PROCEDURE:

A. The commission shall establish a regular meeting schedule.

B. Special meetings may be requested by the city council, the chair of the commission, or a majority of the members of the commission.

C. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available commission meeting. The recording secretary shall notify interested parties and all members of the commission of the date of the continued meeting. (2015 Code)

Agenda Item No: 14

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Brittney Harris
Submitting Department: Planning Division
Item Type: Ordinance
Agenda Section: Regular Agenda

Subject:
Consideration of Ordinance #16-2023 a Development Code Amendment to Chapter 35, adding standards for water efficient landscape requirements.

Suggested Action:

Attachments:

CC Staff Report Ch 35 Waterwise Landscaping Dev Code Amendment 02.14.23.docx

Ord 16-2023.docx

Commissioner Bunker's Flip the Strip Info.pdf

Water Efficent Landscape Standards - Draft 01.24.23.pdf

Water Efficient Landscape DRC 11.30.22.docx

CHAPER 35 WATERWISE LANDSCAPING DEVELOPMENT CODE AMENDMENT

CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	February 14, 2023
Requested Action/Purpose	Approval of proposed amendments to the Lehi City Development Code
Decision Type	Legislative
Date of DRC Review	November 30, 2022
Date of Planning Commission Review	January 12 and 26, 2023

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 applicant requests approval of proposed changes to the Development Code adding water efficient landscaping requirements. This comes from a model ordinance provided by Central Utah Water Conservancy District (CUWCD) with some minor changes. CUWCD sent out a message in September of 2022 putting all cities in their jurisdiction (which includes Lehi) that residents of cities that have not adopted the required water efficiency standards by 2023 will no longer be eligible to apply for the rebate programs offered by Central Utah Water Conservancy District (Flip the Strip, etc.). They also said the State is currently working on a landscape rebate program that will be available starting around March of 2023 that would also only be available to cities that have adopted these standards. Outside of the residential rebate programs, further State and District funding may be contingent upon adoption of the required standards.

The standards relate to all new developments and for any new landscaping installed in front or side yards.

It includes regulations to only plant grass on usable lawn spaces that are wider than eight feet in width. It also limits the percentage of landscaping that can be lawn for different projects.

It also includes recommendations for other considerations when installing landscaping.

The DRC reviewed the proposed amendment and had the following five comments:

1. Add ", retain moisture," to page 3 F4.
1. This standard would be impossible to meet with City proposed street widening projects. We do not install irrigation as part of these projects, as these areas are maintained by each individual land owner and/or future development projects
2. Change D3 to "shall" for commercial and multi-family and "should" for single family detached.
3. We will want to update our water wise landscape definition to match the plant cover requirement.
4. We will need to amend Chapter 37 to match the maximum allowed lawn for institutional and multi-family developments.

After the first Planning Commission review, Staff worked with Commissioner Bunker to add some language to help preserve street trees. Street trees provide many benefits Although the new standards don't allow grass in park strips, we wanted to make sure the park strips don't become sterile patches devoid of any plants or trees without any irrigation. An email from him detailing the benefits of street trees is included with this report.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed amendments to the Lehi City Development Code. Any motion should include findings. Possible findings include:

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

PLANNING COMMISSION RECOMMENDTION

The Planning Commission reviewed the proposed Development Code Amendment. They reviewed and tabled at the January 12, 2023 Planning Commission meeting and provided a positive recommendation at the January 26, 2023 meeting. The minutes and motion from both of those meetings follow:

4.8) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 35, adding standards for water efficient landscape requirements.

Brittney Harris presented information on the agenda item.

Commissioner Bunker is opposed to the code change and listed many reasons why it is detrimental and expressed his opposition and frustration with the new landscape requirement from the state.

Commission Chair Newall opened the public hearing.

Commission Chair Newall closed public hearing.

Kim stated the adoption date was March 1, 2023.

Motion: Commissioner Jackson moved to table the item to the January 26, 2023 meeting directing the city arborist, planning, and other staff to consult with Commissioner Bunker for information about the code amendment. Commissioner Eyre seconded.

Vote: Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Carlson, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

5. City Business

Kim Struthers thanked Abe Nielsen and Roger Ellis for their time and service to the Planning Commission.

Bylaws
Motion: Commissioner Jackson moved to accept the bylaws with the contingency on the proposed changes from City Council. Commissioner Carlson second.

Vote: Commissioner Jackson, yes; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Carlson, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The motion passed unanimously.

2.7) Recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 35, adding standards for water efficient landscape requirements. (Tabled from the January 12th meeting)
Jacob Curtis presented information on the agenda item.

Staff and the Planning Commission discussed the item.

Motion: Commissioner Eyre moved to recommended approval of **Lehi City's request for review of a Development Code Amendment to Chapter 35, adding standards for water efficient landscape requirements;** including all DRC comments and findings stated in the reports. Noting the City's ability to access more water and recommending funding for trees in parking strips throughout the city. Commissioner Bunker seconded.

Vote: Commissioner Jackson, no; Commissioner Bunker, yes; Commissioner Eyre, yes; Commissioner Newall, yes; Commissioner Everett, yes. The vote passed 4 – 1.

From: Scott Bunker <SBunker@provo.org>
Date: January 14, 2023 at 3:08:00 PM EST
To: Kim Struthers <kstruthers@lehi-ut.gov>, Ross Dinsdale <rdinsdale@lehi-ut.gov>, Brittney Harris <bharris@lehi-ut.gov>
Cc: Gregory Jackson <grgjackson@gmail.com>, Brent Everett <beverett2007@gmail.com>, Scott Carlson <scarlson@twinpeakseng.com>, Tyson Eyre <tyson.eyre@gmail.com>, Heather Newall <heathernewall@gmail.com>, Emily Britton <emilybrittonutah@gmail.com>
Subject: Information

Kim,
I apologize for the delay I caused on Thursday. We should have just made some agreed concessions and passed the thing and I apologize. After learning more about Lehi's water plight there is probably little that can be done because of the political pressures with water needs.

I will say, I strongly have witnessed in several instances how much of a political move this Flip the Strip program is versus a technical program that would actually save water, however, as we know, in politics and government that happens all too often.

I think I have been involved in this too long and I let my passions control me on Thursday rather than logic. Not to say that my thoughts and passions don't align with logic. 😉 But, had I listened more and asked better questions I would have found that out and we could have moved forward.

Honestly, I'm not sure what can and should be done at this point to "improve" what was presented. You know my concerns. We already struggle keeping street trees alive and this program is vastly making it worse. It's better to have as much in the code protecting and requiring

care for the trees even though enforcement is weak, as it is in most communities. I always say we should not lead to the lowest common denominator and this applies here as well, just because we can't fully enforce and police doesn't mean we should encourage and plan for good things where possible. Whatever can be done to ensure that people are not taking out trees, or taking out irrigation systems that water street trees and keep them cared for would be good. You know my thoughts on rock vs turf vs organic mulch. That is a tough battle and I understand all sides.

What I do want to reiterate are reasons why I believe Street Trees/Parking Strips are important. On Thursday I alluded to getting on the bench and looking over Provo and Orem in the summer, I state that for a reason, when left to the decisions of most citizens they will not and do not plant as many trees as they could or should and certainly not enough to make up for all the street trees a City cares for and that line our streets. I have been doing this literally almost 30 years and we have been pleading with citizens, educating them of the benefits, and even giving out almost 500 free trees to citizens for 28 years, and they still are rarely proactive. It's sad, but money talks and when they are living pay check to pay check they won't invest in their landscape more less their trees. Our trees for energy conservation program has given away about 14,000 free shade trees in 28 years, it's helping, we hope, but not near enough because they won't take the initiative themselves. Another day I could explain the pros and cons of this program.

I look at it from this perspective, the closer a tree is to a street the more benefits it will provide. Just like the closer a tall shade tree is to a home the more it can shade and cool the home and reduce the amount of energy consumption, in the end lower costs.

Most people don't know what benefits are provided by a healthy urban forest that includes street trees in parking strips. I want to emphasize those things here and hope this can somehow get to the decision-makers because they are the ones that decide on these important decisions and in a lot of ways want to get rid of parking strips altogether because of the negative issues that arise with them. Parking strips are not without problems but the pros far outweigh the cons.

Here is a short, abbreviated list of the most important factors, many of which, people are usually unaware about street trees:

1. The shade from trees can lower temperatures 4-10 degrees reducing the urban heat island effect. Go to down town anywhere that is a concrete jungle and compare the temperatures there to neighborhoods with mature street trees lining the street. It's obvious the benefits. We've even tested temperatures in neighborhoods with street trees and those without and they are cooler because of the street trees shading the streets and sidewalks.
2. Strategically placed trees can reduce energy consumption 20-25%. Reducing cooling demands reduces pollution as less power is needed and lowers utility bills.
3. Trees purify the air absorbing gaseous pollutants, intercepting particulate matter (acting as an air filter – no place is this needed more than our urban centers), release oxygen and reduce ozone levels.
4. Trees purify our water, again acting as a filter as the water hits the trees before it enters the storm water systems.
5. Trees protect expensive infrastructure. For example, properly lined streets that are shaded reduce the temperatures of the asphalt/concrete by as much as 36 degrees. This defers the maintenance and extends the life of these hardscapes (McPherson and Simpson 1999). A properly shaded car's internal temperatures in the summer can be up to 47 degrees cooler.
6. Trees reduce storm water runoff by 7-13% as they filter storm water through their leaves and roots. They reduce soil erosion as the rain hits the leave and branches first, and the roots encourage and increase soil infiltration. (McPherson 1994)

7. Tree leaves act as a natural swamp cooler. In the summer, the water they take up into their canopies through their roots evaporates into our urban environment actually helping to cool the air.
8. Trees reduce atmospheric Carbon Dioxide and are actually one of the things in nature that actually sequester carbon.
9. On average, one street tree sequesters 65 cars worth of carbon emissions.
10. Streets lined with street trees have proven to encourage slower vehicular traffic.
11. Street trees provide many economic benefits to a community. Where trees are, they increase residential and business property values up to 18%. Attract visitors to businesses and shopping areas. Increase rental of apartment and offices. Reduce vacancy rates and encourage shoppers to linger in areas where trees are plentiful.
12. Most people are aware how they can beautify our communities and give them character. Think of some of your favorite places to visit and most likely trees play a large factor as to why.
13. Some other factors people don't think about, the trees can provide wind protection, wildlife habitat in our urban centers, privacy and screen unwanted views, they provide building products, and neighborhoods that are heavily forested are safer (McPhereson 1999)
14. People who live in forested urban areas have less stress and fatigue enhancing mental health (Kaplan et al 1988).
15. In hospitals and other places where people recuperate forested areas enhance recuperation rates (Ulrich 1986).
16. They have also found forested areas reduce psychological precursors to crime (Kno and Sullivan 2001).

Few people know more less think about all of these benefits provided by street trees. So, with that said, this is why I am adamantly opposed to doing away with parking strips and even more proactive when it comes to the importance of doing all we can to encourage the planting of and care for street trees in a community. I've traveled the country and these facts have been proven over and over everywhere I have visited. People are mostly unaware of all these benefits they provide when they make decisions about infrastructure in a community until there are no trees and then people hate it. Think about State Street anywhere Utah. Ugliest, most uninviting and least healthy corridor in the State.

I want to reiterate that all the City/Urban Foresters state-wide are very concerned this Flip the Strip program is having in their communities. In SLC where it is official their forester is beside himself trying to get people to reinstall irrigation systems in areas with large shade trees because they have "flipped the strip" incorrectly and the trees are dying. Imagine the Avenues alone in SLC without street trees. The difference will be stark.

I've attached a power point I used in a presentation recently with a lot of this information but I guide you to slides 22+ where we have shown areas in Provo alone where they are flipping the strip inappropriately (I have shown a few photos where it has been done right or they attempted to do it right). Yesterday we found many more amazing ones but they are not included but will be later.

Again, let me know where else I may help in redrafting any of the points you feel necessary. As I told you Thursday, I am out of State the 15th through the 23rd, but I can respond to texts and email.
THANKS
Scott

ORDINANCE NO: 16-2023

AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE CHAPTER 35 WATER EFFIECENT LANDSCAPING

WHEREAS, it has become necessary to amend Chapter 35 of the Lehi City Development Code, adding water efficient landscaping requirements; and

WHEREAS, this amendment seeks to comply with water efficient landscaping from the Central Utah Water Conservancy District; and

WHEREAS, following a public hearing on January 26, 2023, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on February 14, 2023, 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 26, 2023, 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 16 -2023 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 14th day of February 2023.

ATTEST

_____	_____
Mark Johnson, Mayor	Teisha Wilson, City Recorder

Flip the Strip

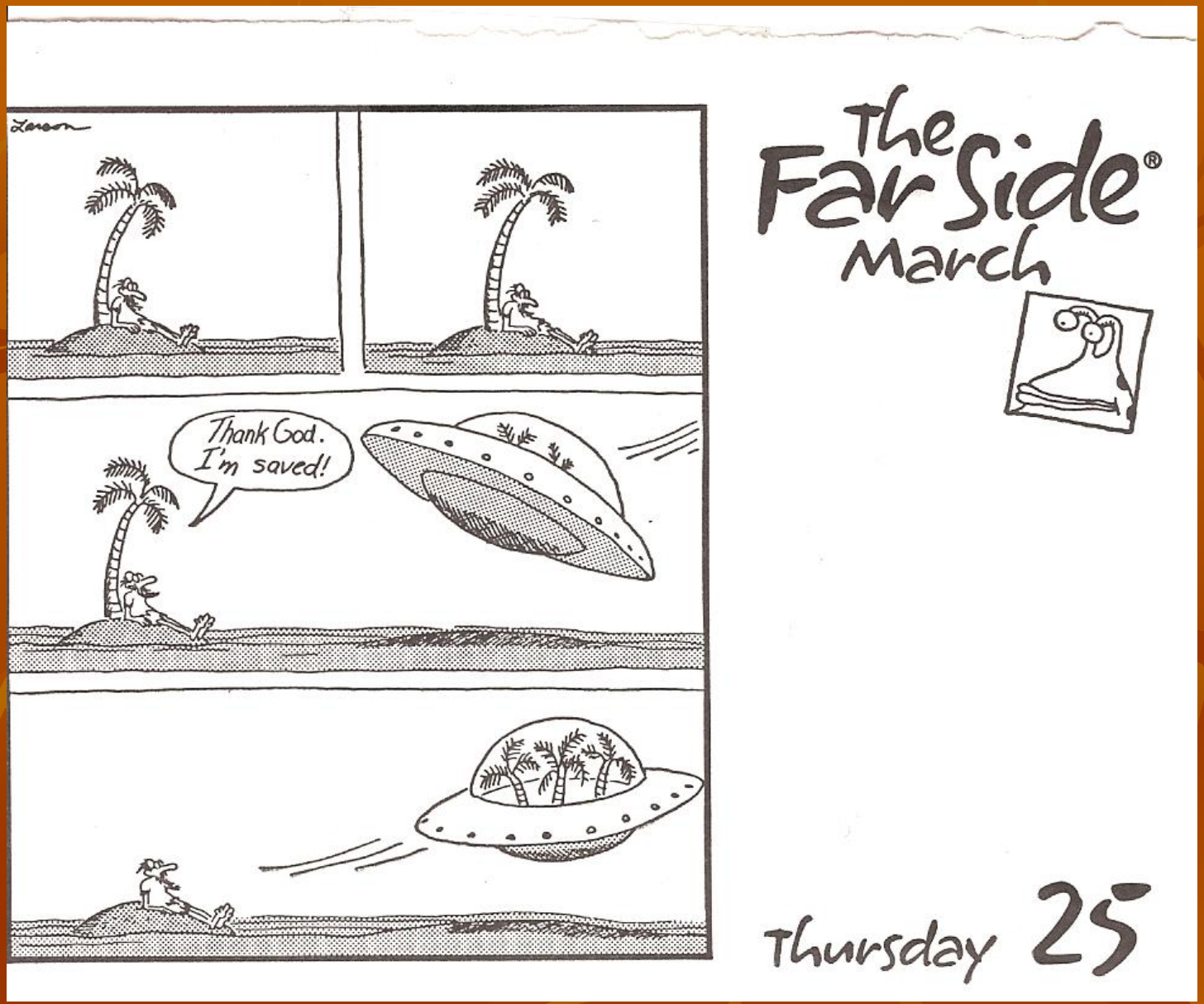
Flip the Strip

PARTNERS

Utah Community Forest Council

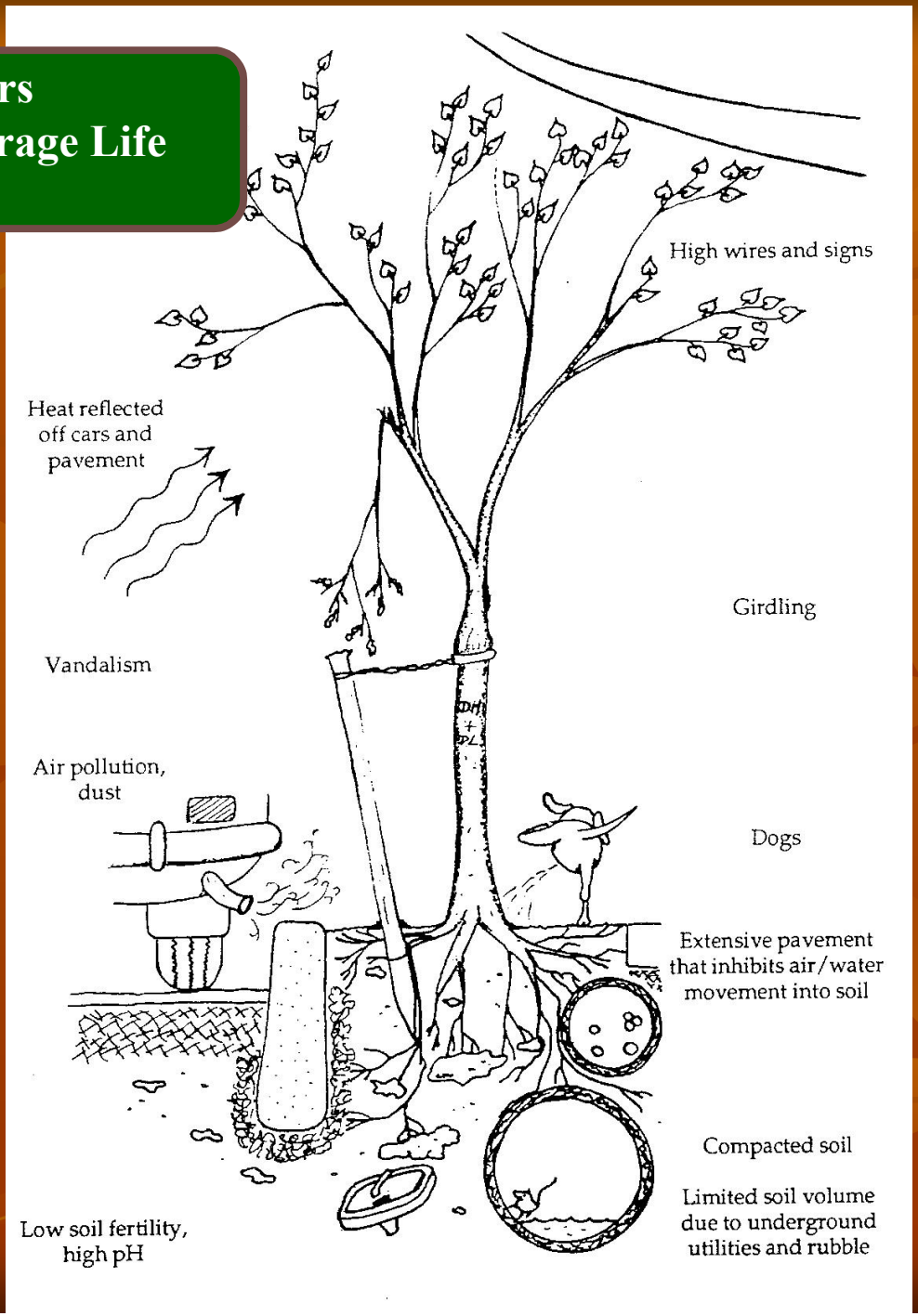
City Foresters/State-wide

Utah Chapter – International Society of Arboriculture


Larson
Thank God. I'm saved!
The Far Side®
March
Thursday 25

7 – 9 Years
Urban Tree Average Life Span

URBAN TREE STRESSES




What?
Trees are the answer
For

Trees Cool Our Communities

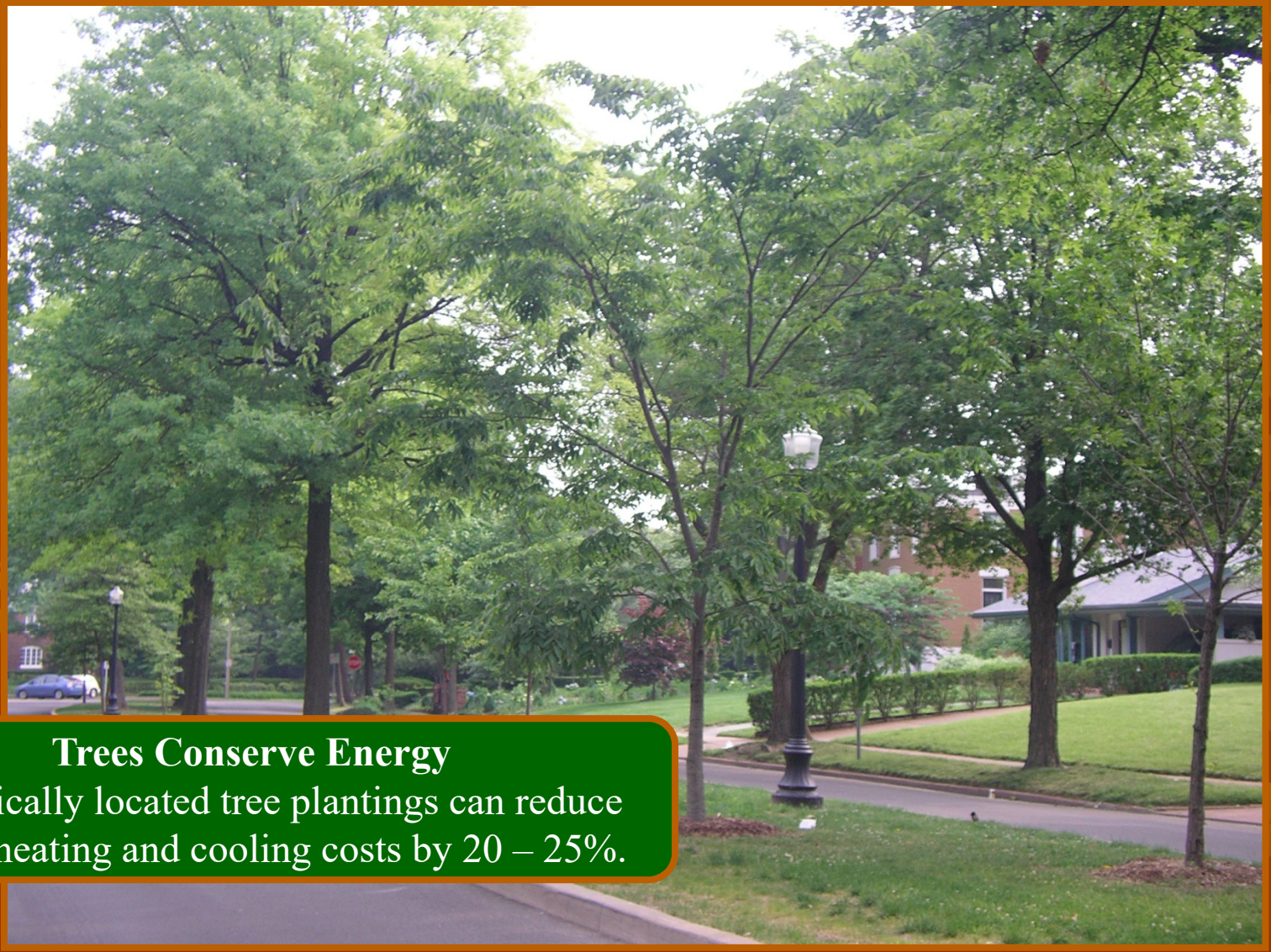
Trees Protect From Sun

Lower Temperatures

4 – 10 Degrees

(Urban Heat Island Effect)





Trees Conserve Energy

Strategically located tree plantings can reduce annual heating and cooling costs by 20 – 25%.

Trees Purify Our Air

•Absorb gaseous pollutants

•Intercept Particulate Matter (air filter)

•Release Oxygen

•Reduce ozone levels by cooling





Trees Purify Our Water

Psychological, Health & Social Benefits of Trees

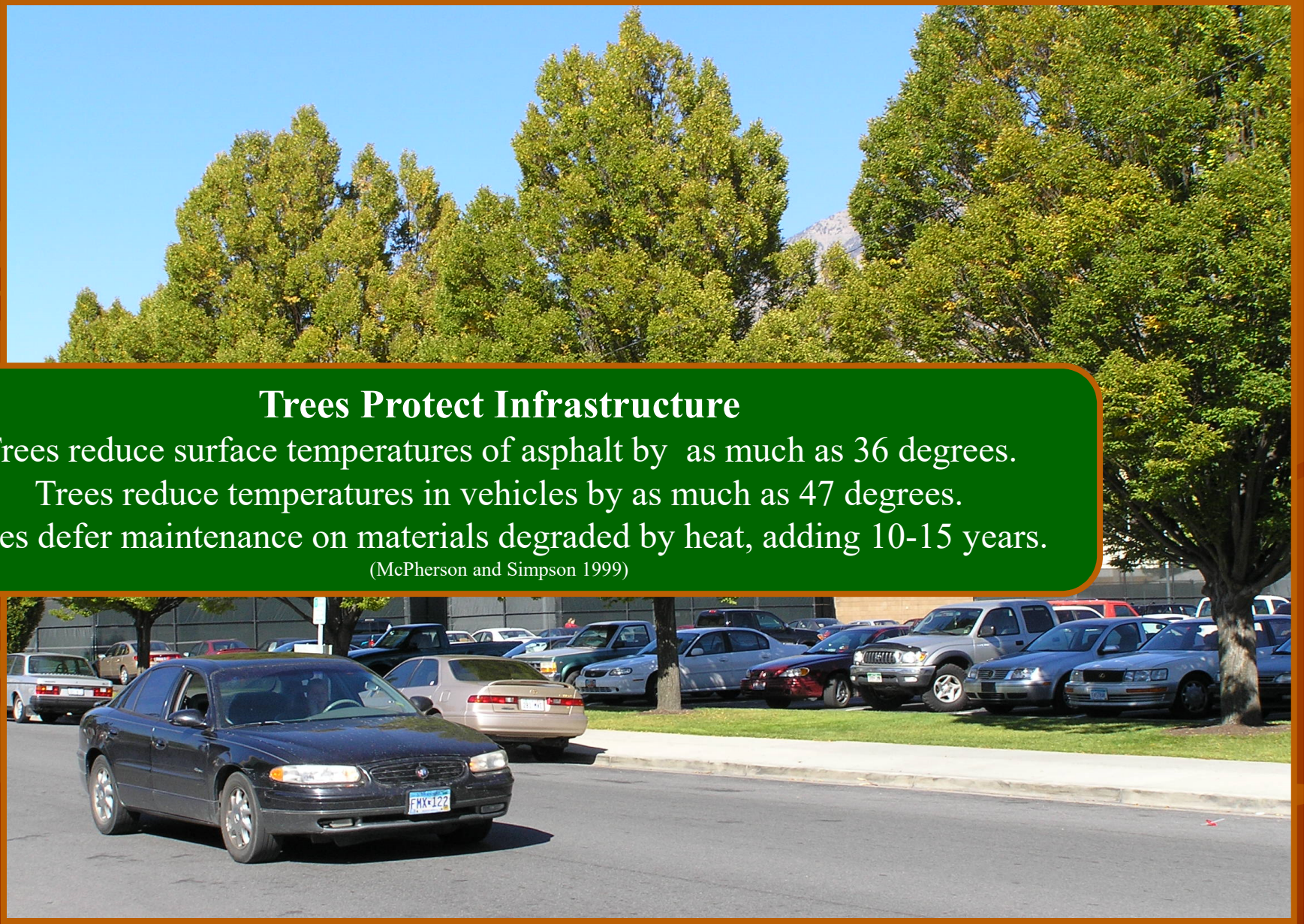


Reduces Stress & Fatigue
(Kaplan et al 1988)

Enhances Mental Health
(Kaplan et al. 1988)

Enhances Recuperation Rates
(Ulrich 1986)

Reduces Psychological Precursors to Crime
(Kuo and Sullivan 2001)



Trees Protect Infrastructure

Trees reduce surface temperatures of asphalt by as much as 36 degrees.

Trees reduce temperatures in vehicles by as much as 47 degrees.

Trees defer maintenance on materials degraded by heat, adding 10-15 years.

(McPherson and Simpson 1999)

Trees Reduce Storm Water Runoff

•Reduces Runoff by 7-13%

•Reduces Erosion

•Leaves & Branches Intercept Rainfall

•Roots increase soil infiltration

•Canopies reduce soil erosion

•Leaf transpiration reduces soil moisture

E. Gregory McPherson



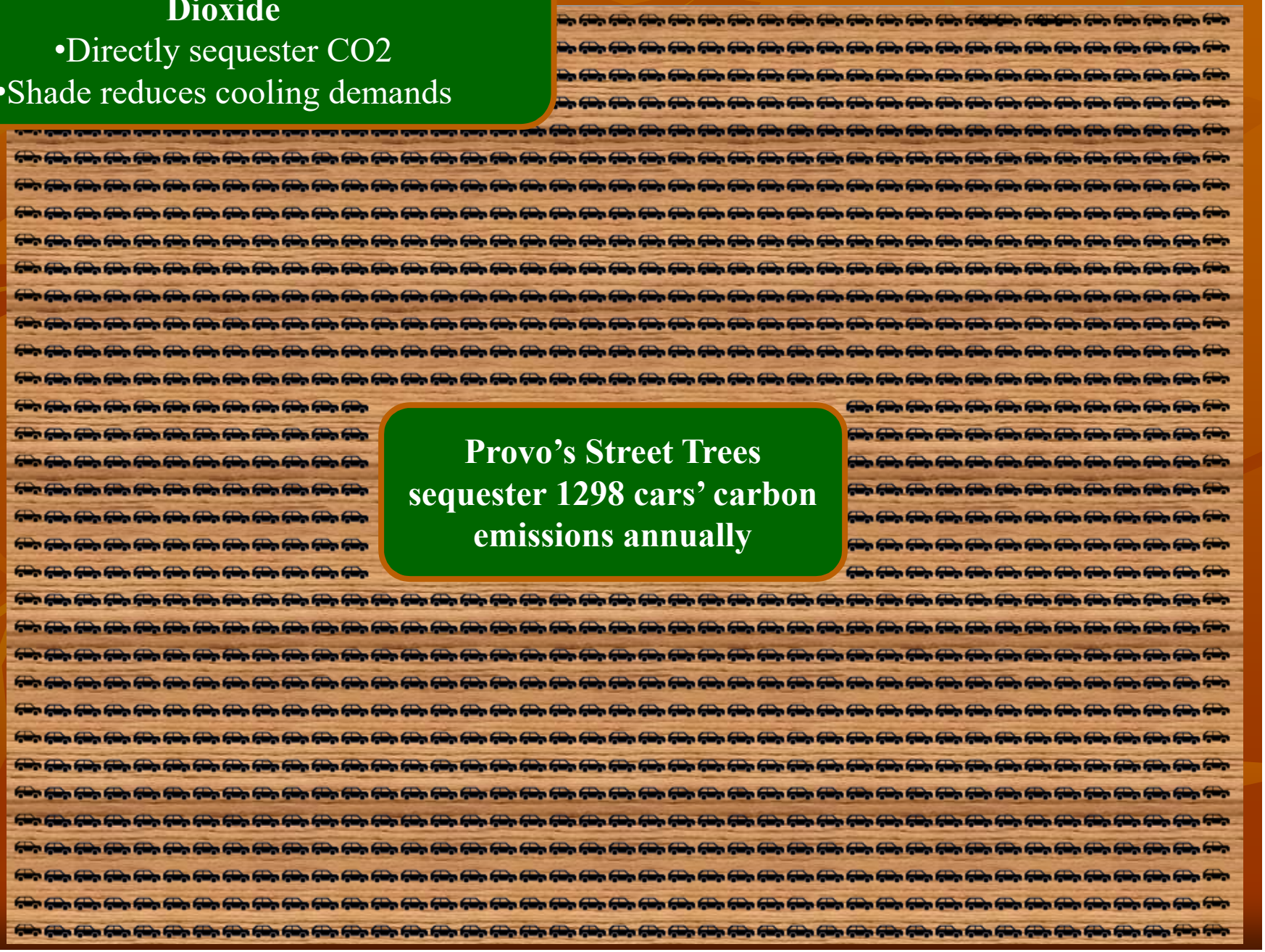
Trees Reduce Atmospheric Carbon Dioxide

- Directly sequester CO_2
- Shade reduces cooling demands



Trees Reduce Atmospheric Carbon Dioxide

- Directly sequester CO2
- Shade reduces cooling demands



Provo's Street Trees sequester 1298 cars' carbon emissions annually

Trees Reduce Atmospheric Carbon Dioxide

- Directly sequester CO_2
- Shade reduces cooling demands



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On average, one tree sequesters 65 cars worth of carbon emissions



Economic Benefits of Trees

Increases residential and business property values up to 18%.

Increases community tax base.

Attracts visitors, businesses and new residents.

Increases rental of apartment and offices.

Reduces vacancy rates.

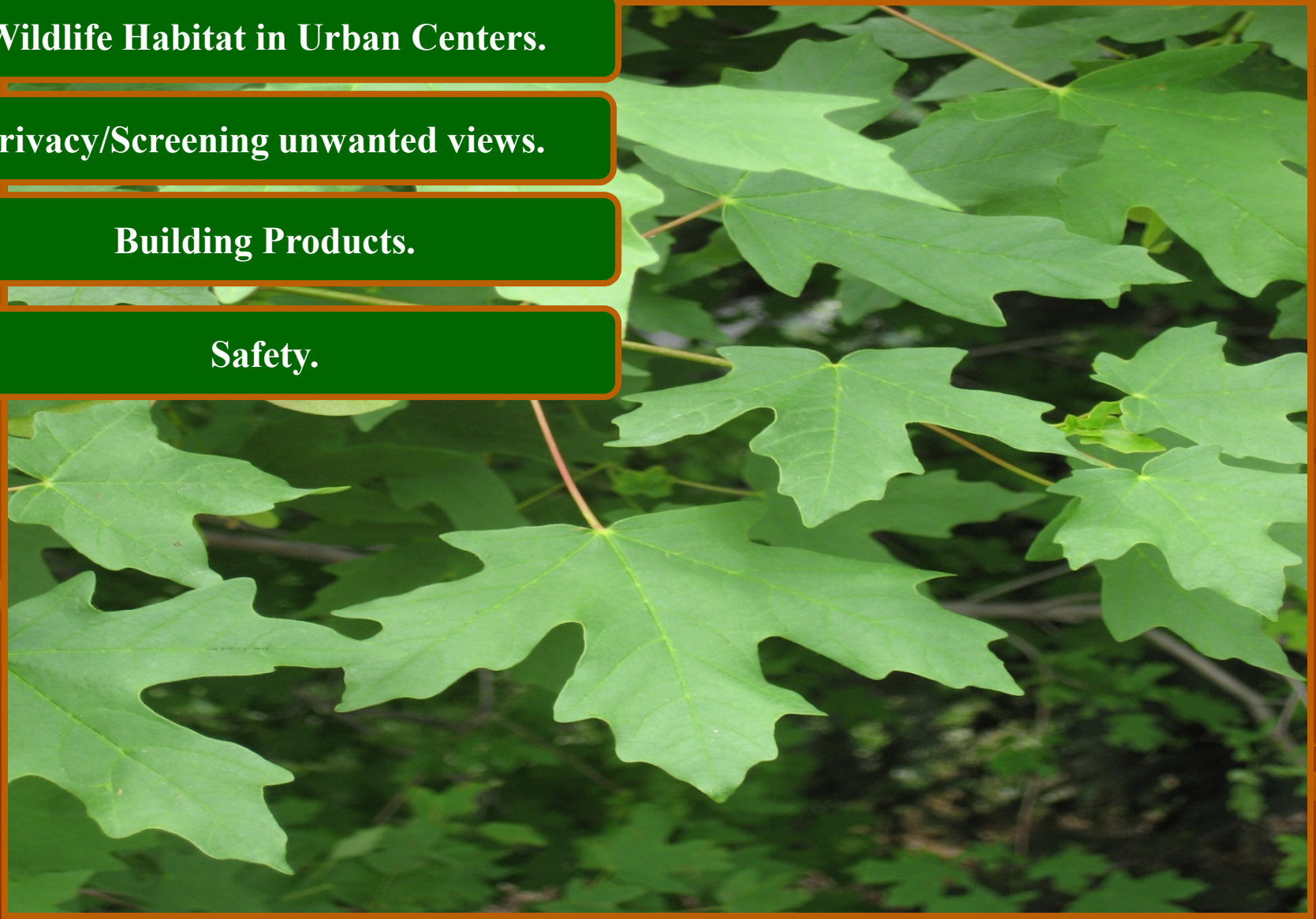
Encourages shoppers to linger.

Trees beautify our communities.

Trees give our community character.



- Wind Protection.
- Wildlife Habitat in Urban Centers.
- Privacy/Screening unwanted views.
- Building Products.
- Safety.



Flip the Strip

Public Education

Flip the Strip

8 Foot Parking Strip Requirement

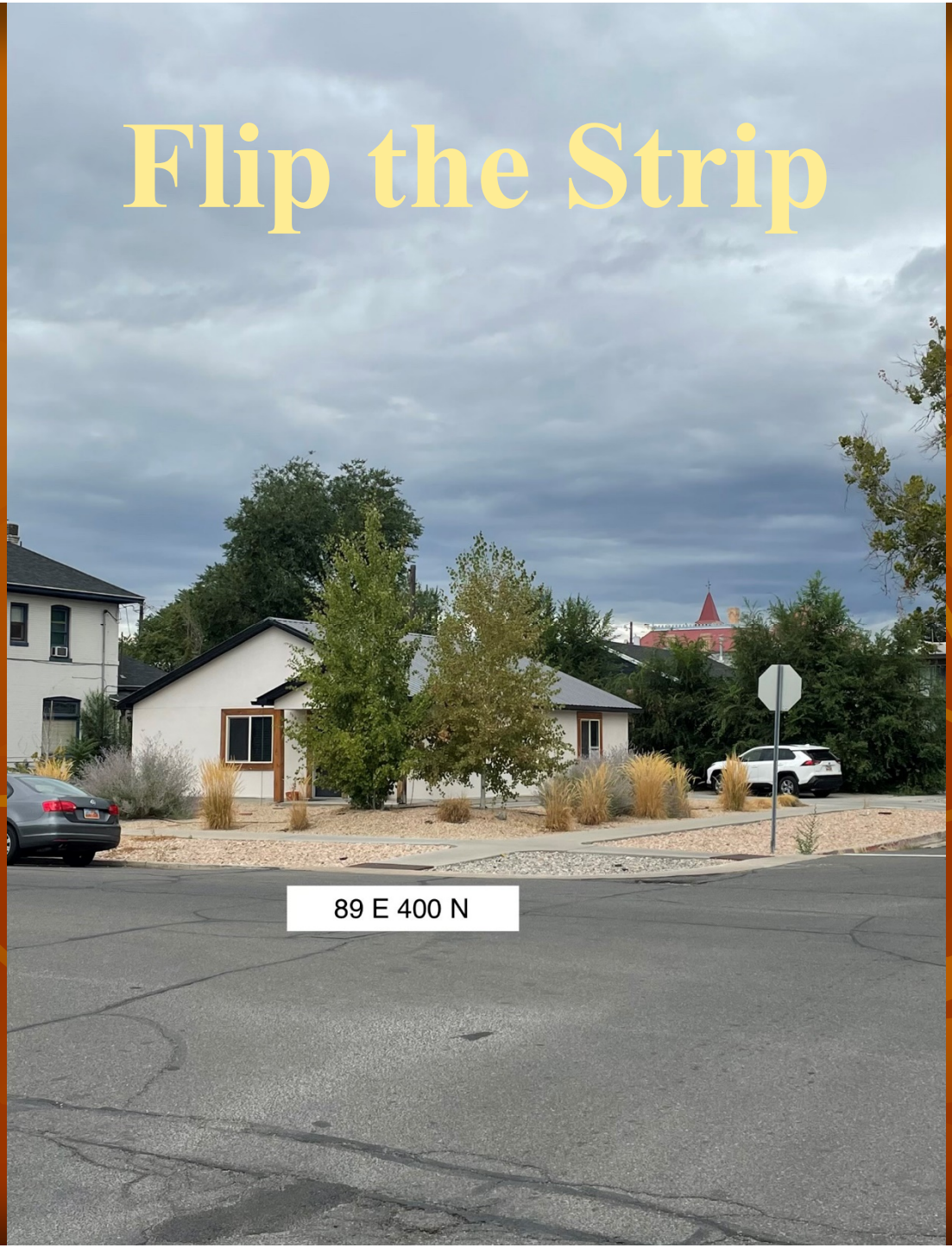
No Turf in any Parking Strips

Flip the Strip

Organic Mulch vs. Hardscape Mulch

Sun Scald on Trees

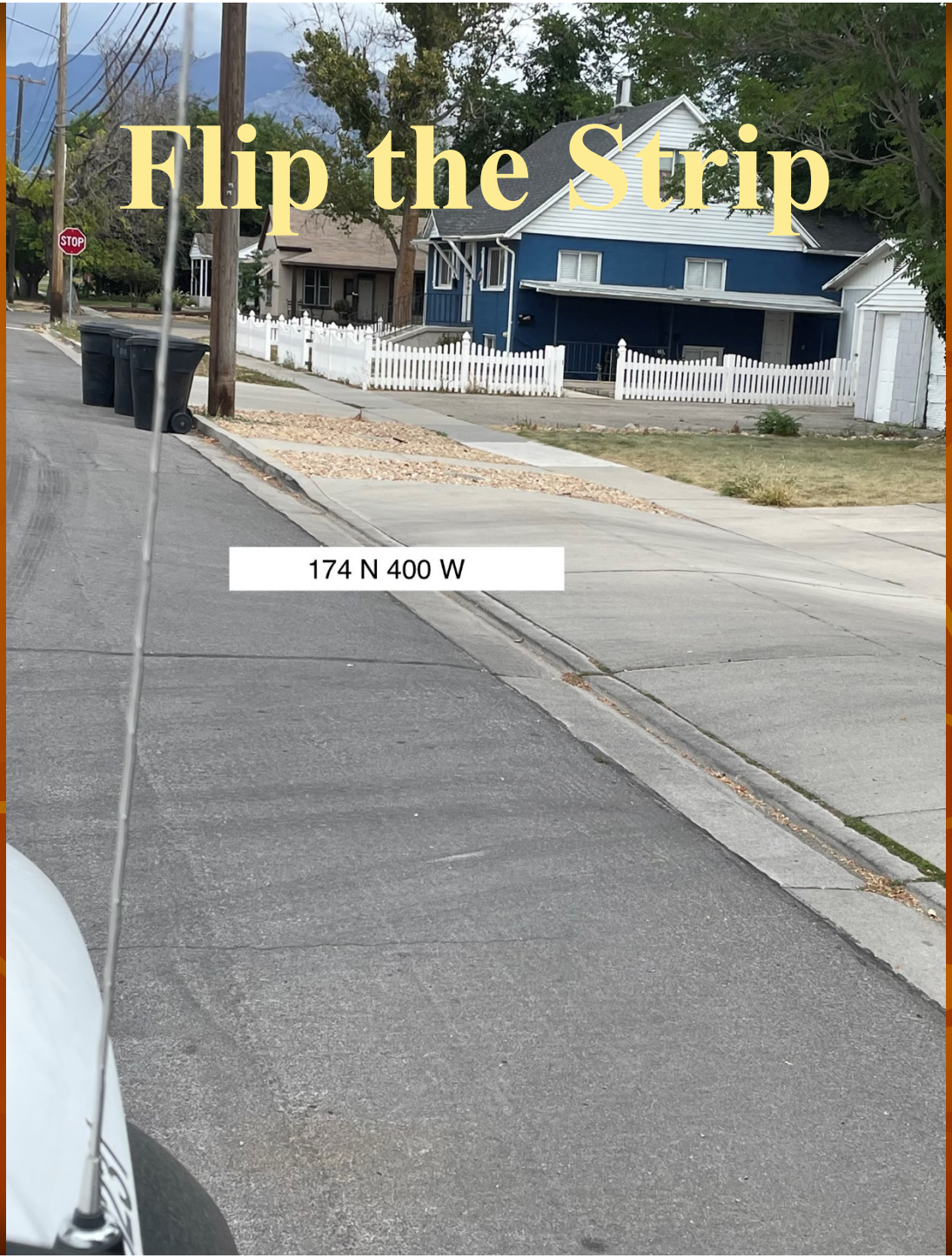
Flip the Strip



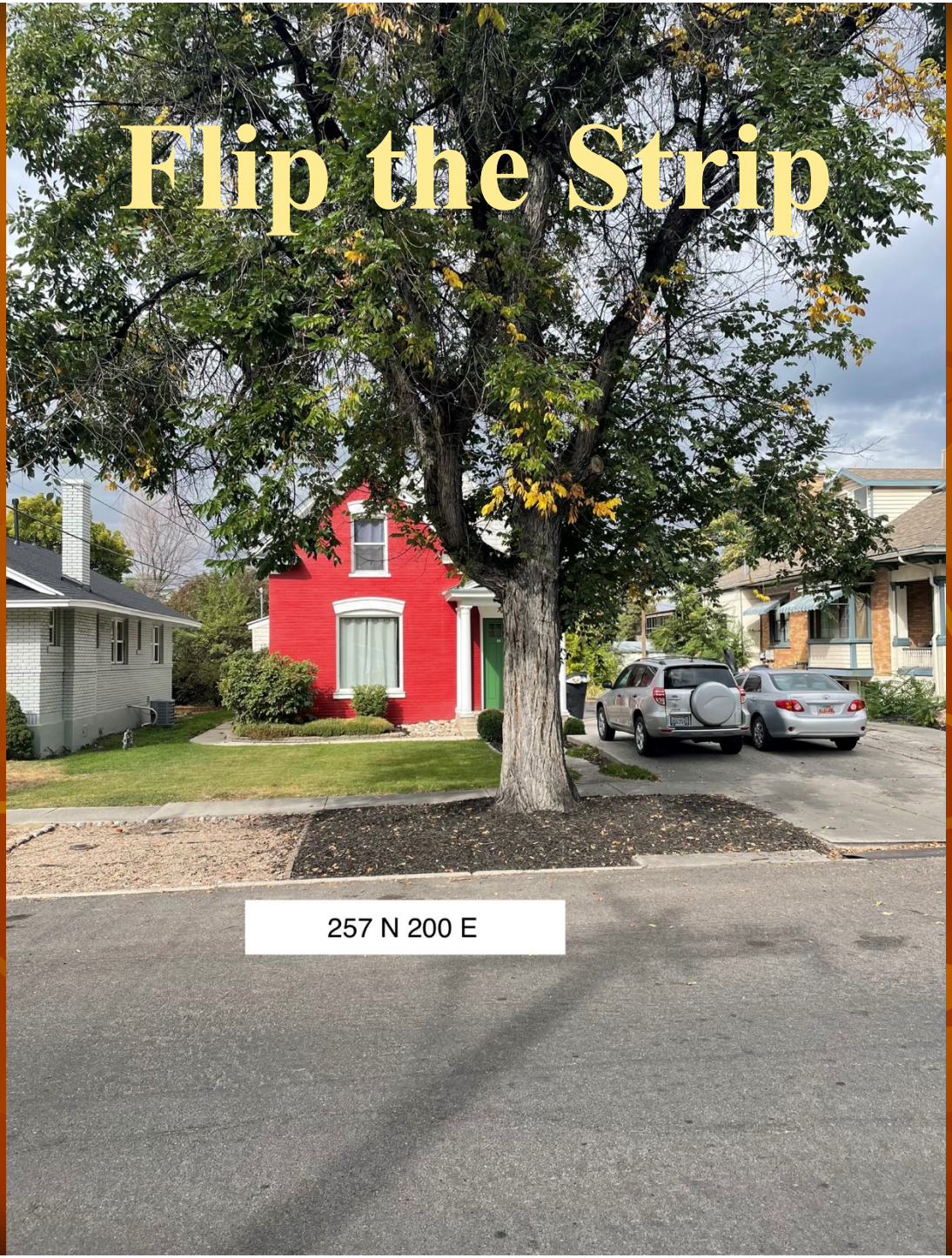
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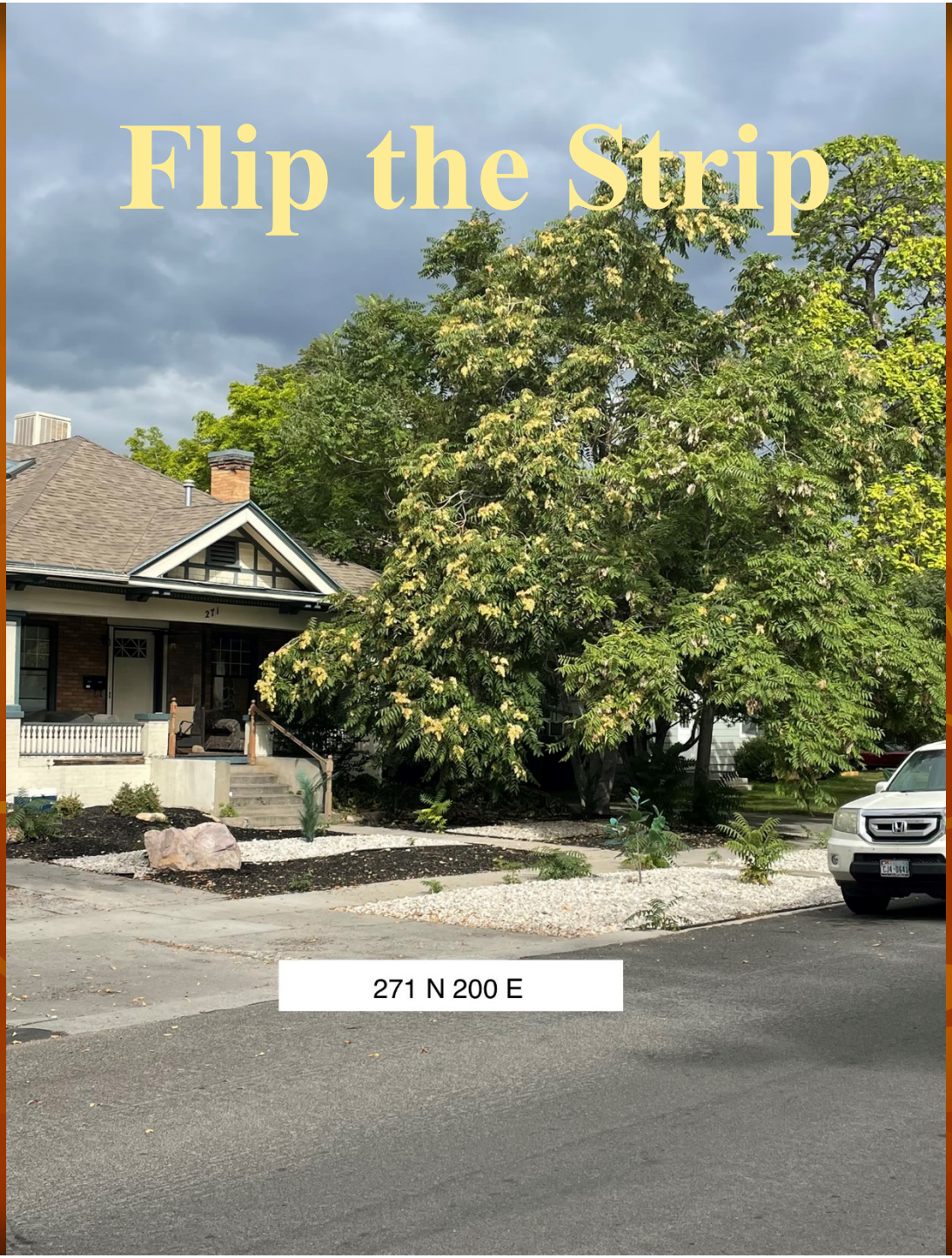
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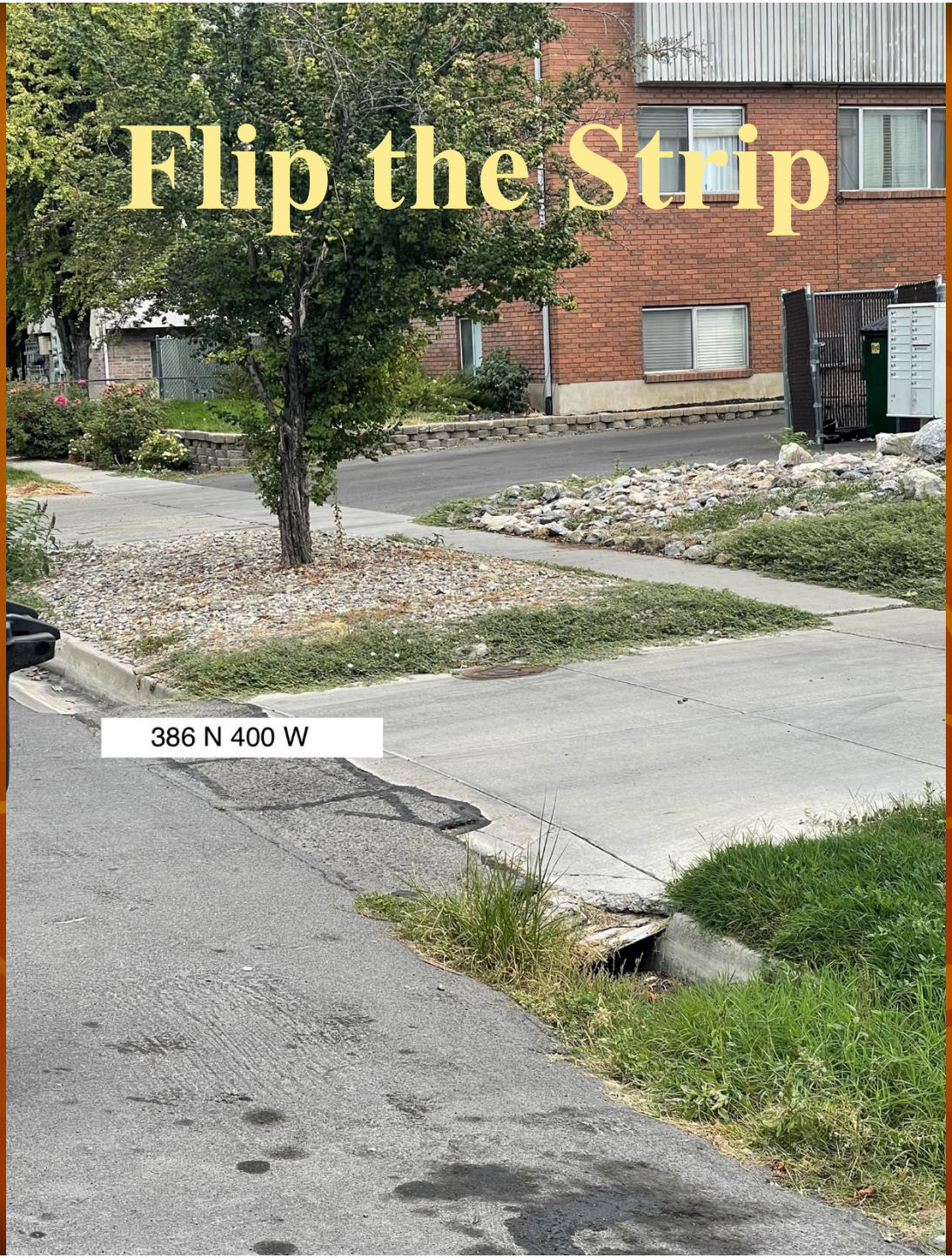
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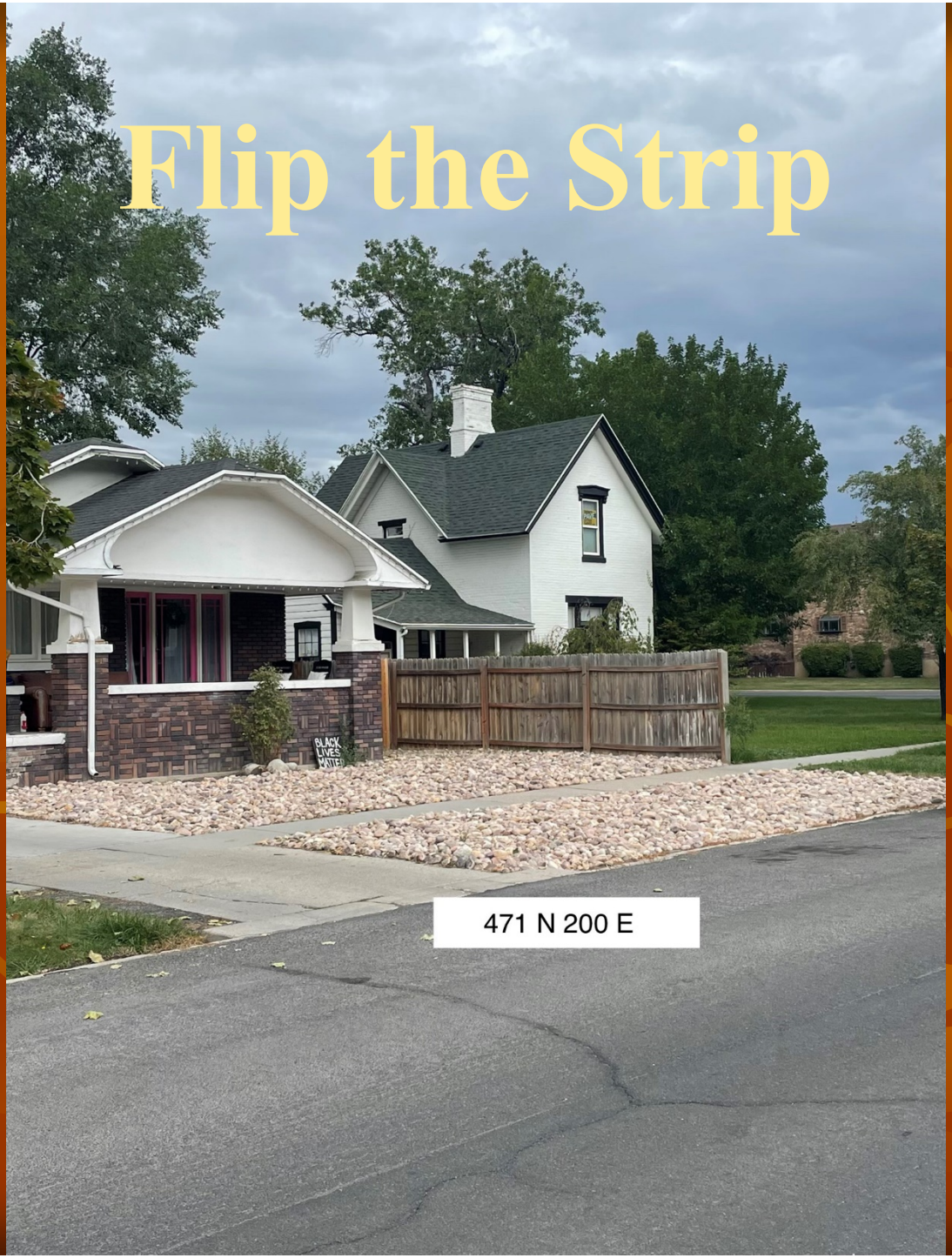
Flip the Strip



Flip the Strip



Flip the Strip



Flip the Strip



Flip the Strip



Flip the Strip



Flip the Strip




Flip the Strip
1038 W 100 N

Flip the Strip



Flip the Strip



QUESTIONS?

Section 35.230 Water Efficiency Standards

A. Purpose. The purpose of these water efficiency standards is to conserve the public's water resources by establishing water conservation standards and recommendations for outdoor landscaping and indoor plumbing fixtures.

B. Applicability.

1. The following standards are required for all new developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable.

2. All new landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards shall comply with the landscaping standards in this Chapter. These standards shall also apply to existing ordinances related to City required landscaping.

3. The outdoor landscaping standards in this Chapter are not intended to conflict with other landscaping requirements as defined by Utah law, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may conflict with Utah law, such conflicting requirements shall not apply.

C. Definitions. The following definitions shall apply to this Chapter:

1. Activity Zones: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, playgrounds, and seating areas for leisure or breaks.

2. Active Recreation Areas: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).

3. Central Open Shape: An unobstructed area that functions as the focal point of Localscapes and is designed in a shape that is geometric in nature.

4. Gathering Areas: Portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.

5. Hardscape: Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

6. Lawn: Ground that is covered with grass that is regularly mowed.

7. Localscapes: A landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).

8. Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.

9. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

10. Paths: Designed routes between landscape areas and features.

11. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

12. Total Landscaped Area: Improved areas of the property that incorporate all the completed features of the landscape. For single-family residential, this only includes the front and side-yard areas. The landscape area does not include footprints of buildings or structures, sidewalks along the street (but does include internal walking paths), driveways, and other non-irrigated areas intentionally left undeveloped.

D. Landscaping Requirements

1. Lawn shall not be less than 8 feet wide at its narrowest point.

2. Lawn shall not be installed in park strips, parking lot islands, or on slopes greater than 25% or 4:1 grade. However, park strips shall conform to all street tree planting requirements including proper irrigation. If existing lawn is being removed from park strips to conform to these requirements, all existing street trees that conform to the City's Street Tree Selection Guidelines and associated irrigation systems shall remain. All park strips shall contain at least 50% living plant cover. Organic mulch shall be used within three (3) feet of tree trunks to avoid sun scalding of trees.

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3. At maturity, landscapes shall have enough plant material (perennials, shrubs) to create at least 50% living plant cover at maturity at the ground plane, not including tree canopies.

4. For single-family residential landscapes, lawn shall not exceed 35% of the Total Landscaped Area (as defined in this Chapter).
   i. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide lawn area requirement are exempt from the 8 feet width requirement and the maximum of 35% lawn requirement.
   ii. Corner lots that are 8,000 square feet or less are exempt from the maximum of 35% lawn requirement for the side yard area adjacent to the street.

5. For institutional (churches, schools, etc.) and multi-family landscapes and common areas, lawn shall not exceed 20% of the Total Landscaped Area (as defined in this Chapter).

6. For commercial and industrial landscapes, lawn areas shall not be allowed outside of active recreation areas.

E. Prohibition on Restrictive Covenants Requiring Grass

1. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable to the degree that they:
   i. Require the use of grass in landscape areas less than 8 feet wide or require grass in other areas that exceed 35% of the landscaped area; or \
   ii. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
   iii. Have the effect of prohibiting or restricting compliance with this Chapter or other water conservation measures.

F. Landscaping Recommendations

1. All irrigation should be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers should be used except in lawn areas. Drip irrigation systems should be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components. Water-efficient sprinkler heads and nozzles should also be used.

2. Each irrigation valve should irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and planting beds should be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers should be placed on separate irrigation valves.

3. Landscaped areas should be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers should be equipped with automatic rain delay or rain shut-off capabilities.

4. At least 3-4 inches of mulch, permeable to air and water, should be used in planting beds to control weeds and improve the appearance of the landscaping.

G. Landscaping Design Considerations.

1. The landscaped areas of the front yard and back yard should include a designed central open shape created by using lawn, hardscape, groundcover, gravel, or mulch except in cases of small residential lots with no back yards and the total landscaped area is less than 250 square feet.

2. Gathering areas should be constructed of hardscape and placed outside of the central open shape. In a landscape without lawn, gathering areas may function as the central open shape.

3. Activity zones should be located outside of the central open shape and shall be surfaced with materials other than lawn.

4. Paths should be made with materials that do not include lawn, such as hardscape, mulch, or other groundcover.

H. Indoor Fixture Recommendations. It is recommended that all new and future construction and future additions, remodels, or refurbishments install plumbing fixtures that have the WaterSense label, including: lavatory faucets, shower heads, sink faucets, water closets (tank and flushometer-valve toilets), and urinals, to the extent Utah law allows Lehi City to require these fixtures.

Water Efficient Landscape Development Code Amendment
DRC Redline Comments

Lehi City- requests review of a Development Code amendment to Chapter 12, adding standards for water efficient landscape requirements.

DRC Members Present: Glade Kirkham, Garion Rowett, Greg Allred, Matthew Meier, Kim Struthers, Gary Smith, Ross Dinsdale, Trent Dyer, Luke Seegmiller
Representatives of the Applicant Present: Kim Struthers
Date of Plans Reviewed: 11/16/22
Time Start: 1:40pm
Time End: 1:51pm

DRC REDLINE COMMENTS:
Glade – Power: No comments
Garion – Fire: No comments
Greg – Water/Sewer: No comments
Trent – Parks:
1. Add ", retain moisture," to page 3 F4.

Gary – Building/Inspections: No comments
Matt – Public Works: No comments
Ross – Engineering:
2. This standard would be impossible to meet with City proposed street widening projects. We do not install irrigation as part of these projects, as these areas are maintained by each individual land owner and/or future development projects
3. Change D3 to "shall" for commercial and multi-family and "should" for single family detached.

Luke- Traffic: No comments
Kim – Planning:
4. We will want to update our water wise landscape definition to match the plant cover requirement.
5. We will need to amend Chapter 37 to match the maximum allowed lawn for institutional and multi-family developments.

THIS ITEM WILL BESCHEDULED FOR PLANNING COMMISSION ON JANUARY 12, 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.

Agenda Item No: 15

City Council Agenda Item Report

Meeting Date: February 14, 2023
Submitted By: Teisha WIlson
Submitting Department:
Item Type: Action Item
Agenda Section: Regular Agenda

Subject:
Consideration of Resolution #2023-10 approving an architect for the new City Hall and Library Building.

Suggested Action:

Attachments: