CITY COUNCIL MEETING
OF THE CITY OF CEDAR HILLS
Tuesday, October 17, 2017 7:00 p.m.

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **City Council Meeting on Tuesday, October 17, 2017, beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

COUNCIL MEETING

1. Call to Order, Pledge led by C. Bailey and Invocation given by C. Zappala
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Youth City Council - Introduction of Members and Administration of the Oath of Office

PUBLIC HEARING

5. Amendments to the City Code Title 10, Chapter 3 Regarding the Re-zoning of Certain Portions of Area Currently in the PF Public Facilities Zone to the R-1-11,000 Residential Zone, and to Amend the Official Zone Map to Reflect these Zone Changes
6. Amendments to the City Code Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf

CITY REPORTS AND BUSINESS

7. City Manager
8. Mayor and Council

SCHEDULED ITEMS

9. Review/Action on an Ordinance Amending Title 10, Chapter 3 Regarding the Re-zoning of Certain Portions of Area Currently in the PF Public Facilities Zone to the R-1-11,000 Residential Zone, and to Amend the Official Zone Map to Reflect these Zone Changes
10. Review/Action on an Ordinance Amending Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf
11. Discussion on Arguments in Favor of and Against the Cedar Hills PARC Tax Proposition #7 on the November 7, 2017 General Election Ballot (public comment will be allowed for this agenda item)
12. Review/Action on an Ordinance Amending Title 4, Chapter 2, Section 3: Nuisance, Relating to Weeds
13. Discussion on the Watershed Protection Program

ADJOURNMENT

14. Adjourn

Posted this 13th day of October, 2017 /s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the city's website at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting.
- An Executive Session may be called to order pursuant to Utah State Code 54-4-204 & 54-4-205.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are recorded

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Council / Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to three minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing v. Public Meeting:

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	10/17/2017

City Council
Agenda Item

SUBJECT:	Review/Action on Amendments to the Official Zoning Map of Cedar Hills, Oak Road Open Space Public Facility Zone
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager/City Planner

BACKGROUND AND FINDINGS:

Applicant and land owner, Alan Parsons, has applied for a zone change for his parcel, Lot 26 of Cedar Hills Subdivision Plat I. The parcel in question has been recorded as open space from the time that Cedar Hills Subdivision Plat I was recorded in 1976. The subdivision was built by the Associated Industrial Developers, who owned the parcel in question from the time the plat was recorded. In 1983 the property changed hands through a tax deed, and Alan Parsons received the property by quitclaim deed.

From Utah State Code §10-9a-102, "municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

Further, §10-9a-505 states, "The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter."

Authority is granted to the municipality to regulate zoning, open space and density within the municipal boundaries. The current piece is identified as "open space" on the plat, and is zoned as public facility. In order to put density onto the property, the legislative body of Cedar Hills would need to rezone the parcel into the R-1, 11,000 zone, vacate the plat identifying Lot 26 as open space, and re-plat Plat I as Plat I Amended. The owner of Lot 26, or the developer would be responsible for surveying and re-plating Plat I

PREVIOUS LEGISLATIVE ACTION:

Planning Commission made recommendation to move subject parcel into the R-1, 11,000 zone, but to not amend the recorded plat vacating the open space provision.

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

Current Zoning Map, map showing areas of proposed changes, Minutes from previous meetings, Letters to the Planning Commission, Cedar Hills Plat I

RECOMMENDATION:

Staff recommends that the City Council consider the Planning Commission recommendation; as well as consider an alternative process of amending the nuisance ordinance to include language subjecting the parcel in question to the requirements of the weed abatement code.

MOTION:

ZONE CHANGE:

Approval: To approve ordinance _____ adopting the proposed changes to the zoning map, by changing the zoning of the subject parcel from the Public Facilities Zone to the R-1, 11,000 zone;

Map Filing # 1918

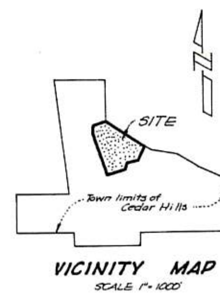
38094

1977 NOV 11 AM 8:44

CITY PLANNING COMMISSION APPROVAL

Approved this 3rd day of November AD 1977 by the Cedar Hills Town Planning Commission.

Chairman, Planning Commission



VICINITY MAP
SCALE 1"=1000'

STATE PLANE COORDINATES

	X (EAST)	Y (NORTH)
A	1927501.12	759616.88
B	1927318.58	759465.69
C	1927502.84	758992.71
D	1927563.58	759016.30
E	1927620.25	759145.74
F	1927582.87	759241.69

CURVE DATA

	R	Δ	L	C
30	20.00	90°00'00"	31.42	28.28
31	20.00	90°00'00"	31.42	28.28
32	100.00	90°00'00"	157.08	141.42
33	75.00	90°00'00"	117.81	106.07
34	125.00	90°00'00"	196.35	176.78
35	125.00	18°14'06"	39.78	39.61
36	125.00	28°17'37"	61.73	61.10
37	125.00	27°29'43"	59.99	59.41
38	125.00	15°58'34"	34.85	34.74
39	20.00	49°59'41"	17.45	16.90
40	20.00	49°59'41"	17.45	16.90
41	50.00	279°59'22"	244.34	64.29
42	50.00	73°49'25"	64.42	60.06
43	50.00	54°31'01"	47.58	45.80
44	50.00	48°31'26"	42.35	41.09
45	50.00	46°12'25"	40.32	39.24
46	50.00	56°55'05"	49.67	47.65
47				
48				
49	125.00'	143°18'05"	312.63	237.07
50	100.00'	143°18'05"	250.11'	189.65'
51	100.00'	43°42'15"	76.28'	74.44'
52	100.00'	99°35'48"	173.83'	152.76'
53	150.00'	143°18'05"	375.16	284.75
54	150.00'	16°01'10"	41.94	41.80'
55	150.00'	41°40'08"	109.09'	106.70'
56	150.00'	85°36'45"	224.15'	203.86'

LEGEND

- Indicates Subdivision Boundary
- Indicates Lot Boundary
- Indicates Centerline of street
- Monument; Brass cap set in concrete, unless otherwise noted
- 5/8" Iron pin unless otherwise noted
- Indicates Public Utility Easement (P.U.E.) - 7.00' where lots are back to back; 10.00' where lots are not back to back
- (R) Indicates bearing is a radial line to a curve
- P.U.E. Indicates Public Utility and Drainage Easement.

SURVEYOR'S CERTIFICATE

I, James W. Denney, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO 3819 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT

BOUNDARY DESCRIPTION

Beginning at the most northwesterly corner of Plat "D", Cedar Hills Subdivision, said point being 1219.21 feet South and 1307.64 feet East from the N 1/4 Cor. of Sec. 6, T5S, R2E, SLB&M; thence as follows:

N57°59'00"W	866.25	along a fence line
S70°50'00"W	165.00	
S 0°26'55"E	300.99	
S21°17'03"E	717.20	
N53°50'07"E	144.86	along boundary of Cedar Hills, Plat "E"
N28°30'17"E	65.47	" " " " " "
N68°42'57"E	100.00	" " " " " "
N47°15'18"E	202.70	" " " " " "
S82°29'59"E	77.15	" " " " " "
N38°01'00"E	303.53	to the Point of Beginning. Containing 11.363 Acres.

Basis of Bearings is the State Plane Rectangular Coordinate System Bearings as of June 25, 1968.

April 16, 1976 — DATE

James W. Denney — SURVEYOR

OWNERS' DEDICATION

KNOW ALL MEN BY THESE PRESENTS 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 AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC

IN WITNESS HEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 16TH DAY OF APRIL, AD 1976.

Associated Industrial Developers — Eldon D. Richardson (President)

Cedar Hills Development Co. by S. Reed Nixon

ACKNOWLEDGEMENTS

STATE OF UTAH } SS.
COUNTY OF UTAH }

ON THE 16th DAY OF April, A.D. 1976 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FORGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES Nov. 1, 1978 — NOTARY PUBLIC (See Seal Below)

ACCEPTANCE BY LEGISLATIVE BODY

THE Town Council OF Cedar Hills 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 3rd DAY OF November, AD 1977.

APPROVED — ENGINEER (See Seal Below)   ATTEST — CLERK RECORDER (See Seal Below)

BOARD OF HEALTH

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS as per letter from the State of Utah, Division of Health, dated 8 July 1976 Originally part of Plat E

Glen Sagers RS — CITY-COUNTY HEALTH DEPARTMENT

PLANNING COMMISSION APPROVAL

APPROVED THIS 9th DAY OF November, AD 1976 BY THE Utah County PLANNING COMMISSION.

Harold M. Paulo — DIRECTOR-SECRETARY   CHAIRMAN, PLANNING COMMISSION

PLAT "I"
CEDAR HILLS SUBDIVISION

BEING A PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN AND LOCATED IN

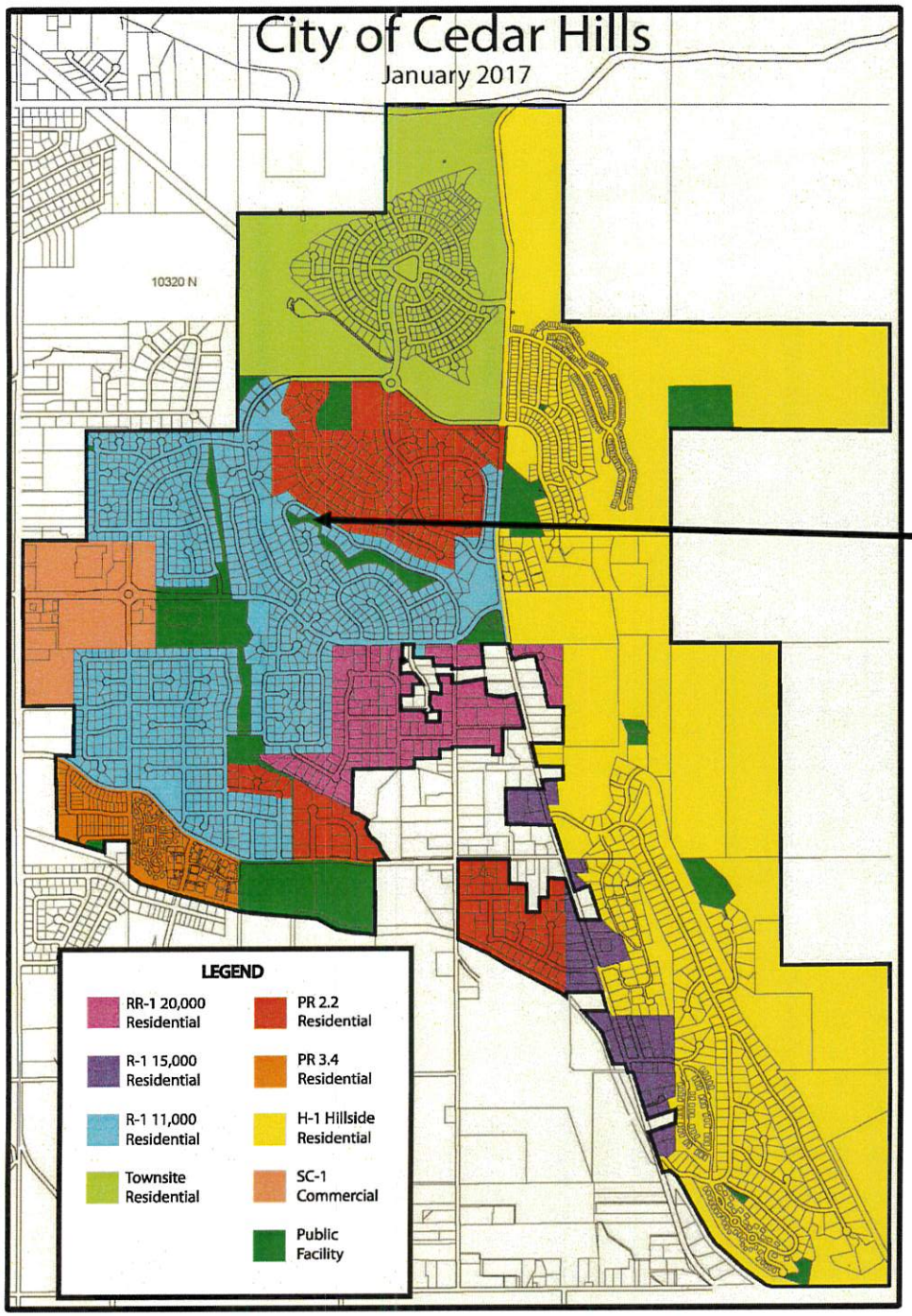
UTAH COUNTY, UTAH

NOVEMBER, 1976   SCALE 1"=50'

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDER SEAL

Recorders Note: See Affid. # 4317 for Corrected P.O.B.

1918-7

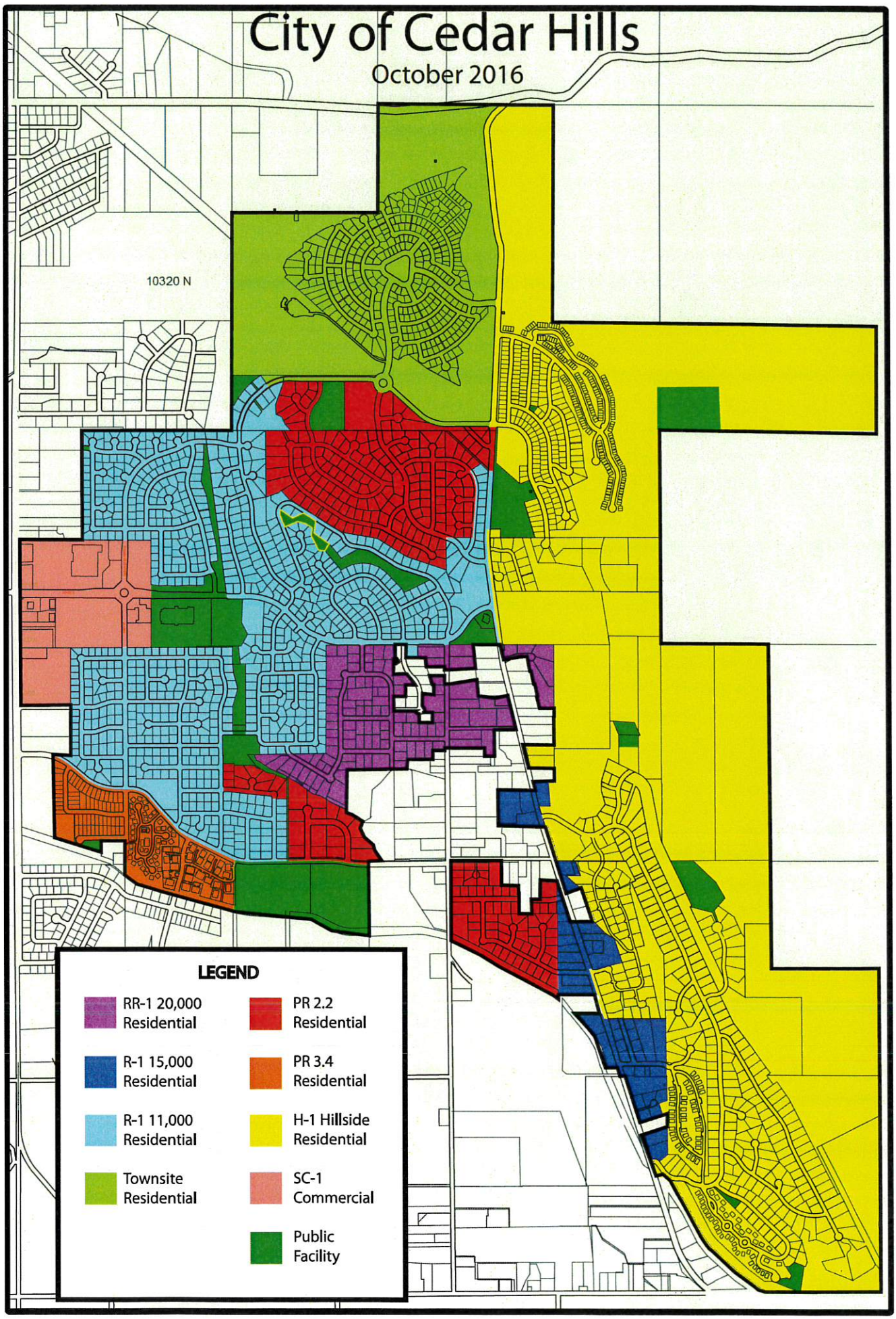


Parcel # 36:145:0026

Re-Zoning of Certain Portion of Area
Currently in the
PF Public Facilities Zone
to the
R-1-11,000 Residential Zone

City of Cedar Hills

October 2016



TOWN OF CEDAR HILLS

Regular Town Council Meeting
Wednesday, May 12, 1993 7:00 p.m.
Manila Elementary Media Center

NOTICE is hereby given that the Regular Town Council Meeting of the Town of Cedar Hills, Utah, will be held Wednesday, May 12, 1993, at the Manila Elementary Media Center at 7:00 p.m.

COUNCIL MEETING

1. Call to Order and Pledge of Allegiance

2. Approval of Minutes and Agenda

3. Finances

4. Department Reports

5. Attorney Reports - Tony Schofield & Craig Carlile
   - A. Northstar Cablevision Status Report
   - B. Pretreatment of Industrial Waste Ordinance Amendment
   - C. Herrera Status Report
   - D. Other Issues

6. Adjourn to Executive Session

14. ~~7.~~ East Cove

8. Cedar Cove - Reestablishment of Performance Guarantee

9. Park Maintenance Sealed Bids

3. ~~10.~~ Hullinger Annexation

~~11.~~ Street Between Prestwich & Olson (Cedar Hills Dr & 4280 West)

~~12.~~ Extend Meter Reading Period 184 billed 120 credits

~~13.~~ Fine for Contractors for Taking Out or Bypassing Meters

4. ~~14.~~ Lots 26 and 19 (Greenbelt) - Mr. Parsons

15. Other Business

16. Adjournment

MOTION: C. Johnson - That we will agree to meet with Carl Warnick in one last effort in two weeks to see site proposals and a cost breakdown of moving the reception station and that Carl, the attorneys and two Council members will be present and that we will then discuss the outcome at the next Council meeting. Seconded by C. Peaslee and unanimously approved.

14. Lots 26 and 19 (Greenbelt) - Mr. Parsons (9:00 p.m.)

Mayor Memmott - Written letter that the open space be removed from plats I and D.
Allen Parsons - I would like to build on the North end and would need the open space designation removed.
Jeff Lindstrom - I bought a lot that states that it is not a buildable lot.
Allen Parsons - Mine does not say this.
Rodney Despain - Lot numbers were given to convey the property but the Town did not claim the property and let it go to tax sale. The position is that this is privately held but not buildable because of the open space on it. We must amend the plat and remove the open space. Petition before the Town Council and a plat made. There is no guarantee that it will be further divided. My comments to Mr. Parson is that you keep it as a single lot or sell portions to adjoining lots.
Cindy Huntbach - I check plats when I buy them and if someone bought it then that is how it is.
Tony Schofield - I believe that open space means that it is not buildable but that is my opinion.
Steve Kesler - Could we put this in writing to the Council. Mr. Hansen does not plan to divide Lot 19 at the present time but may in the future.
Tony Schofield - We may sue. He does have legal council advising as well.
R.L. Peay - You have the ability to tell me what fence I can put in, etc. I talked to Mr. Hansen and he will put 9 lots in Lot 19 if he is to sue the Town.
C. Peaslee - If the Town keeps this as open space then the Town ~~has~~ should to buy it. This information comes from Utah League of Cities and Towns one year ago.
Tony Schofield - It comes down to what open space means on the plat. Ordinances are upheld.
Rodney Despain - Any property that is divided two or more times, they become a subdivider and must go through process of plat amendment. Lot 26 meets frontage and area requirements but the lot is open space. Our ordinance states that it is then not buildable.
Paul Massicotte - We won't address that this area is causing flooding? A home could cause more problems.
MOTION: C. Peaslee - That we firm up the term "open space" and what we require that it be and address this issue at out next meeting. No second, motion dies.
Rodney Despain - If you say that it is not buildable then Mr. Parsons will try to get a judge to change that definition. The Town in the past has said that it appears that the portion fronting Oak Road W could be built upon. I believe that Mr. Parsons has a strong right to a building permit but not without limitations. We have some strong feelings to just say "no".
Mayor Memmott - If this is the way we want to go, do we keep it that way or do we give it up.
Citizens - NO!
(Kim Holindrake excused at 10:45 p.m. and remaining minutes taken by Rodney Despain)
MOTION: C. Snively - Table Consideration to get an opinion as to the meaning of open space and put on next agenda. Seconded by C. Peaslee and unanimously approved.
MOTION: C. Peaslee - Extend meeting for 25 minutes. Seconded by C. Howard and unanimously approved.

7. East Cove (10:16 p.m.)

Verl Hebertson inquired as whether the Town wanted all of the property or just the portion previously negotiated. The Mayor indicated that he discussed this with other Council members and the Town was interested in at least part of the property. Two alternatives were discussed.
1. $30,000 plus a tax credit letter for the drainage basin and properties fronting the Canyon Road.
2. Entire parcel at a cost of approximately $125,000 plus the tax credit letter on the 4 lots facing Canyon Road.

TOWN OF CEDAR HILLS

Public Hearing and Regular Town Council Meeting
Wednesday, June 9, 1993 7:00 p.m.
Manila Elementary Media Center

NOTICE is hereby given that a Public Hearing will be held on the 1993-94 Tentative Budget followed by the Regular Town Council Meeting of the Town of Cedar Hills, Utah, beginning at 7:00 p.m.

PUBLIC HEARING

1. Call to Order
2. 1993-94 Tentative Budget
3. Adjournment

TOWN COUNCIL MEETING

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes and Agenda
3. Finances
4. 1993-94 Budget Adoption
5. Department Reports
6. Street Between Prestwich & Olson (Cedar Hills Dr & 4280 W)
7. Extend Meter Reading Period
8. Fine Contractors for Taking Out or Bypassing Meters
9. Lot 26 (Open Space)
10. Park Maintenance Bids
11. Park Street Light
12. High Meadows Streets - Tom Harward
13. Other Business
14. Adjournment

up rocks on the ball field. Steve Kesler donated some redwood for picnic tables. I may chain them down. If I catch kids doing vandalism, they do work in the park for free. The Town celebration is July 30 and 31. BBQ and dance on 30th and rest on the 31st.

C. Snively - Mr. Haily is going to paint the street lines.

C. Peaslee - Also the water company has done a good job keeping the weeds down on their pump station.

6. Street Between Prestwich and Olson (Cedar Hills Dr & 4280 W) (8:07 p.m.)

Mayor Memmott - I propose that we make an offer to the owners to buy the piece.
Rodney Despain - Property owners to amend the plat. Then set terms of dividing. The Town could vacate interest but you then don't have a say in requiring improvements.
Mayor Memmott - Should the Town improve this or give it up? If the beautification offsets giving it to the citizens then that's what we should do.
C. Howard - First step is to find out if the property owners want it and then go from there.
Rodney Despain - You don't have much alternative uses.
C. Peaslee - I will talk to the property owners.

7. Extend Meter Reading Period (8:20 p.m.)

C. Peaslee - I get a lot of calls every Spring about big bills.
C. Snively - There were no big water checks. This was talked about before and people pay extra if they feel they need to.
Kim Holindrake - I billed 184 people for water last month and 120 of them received a credit for their winter use.

MOTION: C. Peaslee - That we read the meters at the end of April instead of the end of May. (Resolution to be changed) Seconded by C. Howard.

Aye	**C. Howard**	
	C. Peaslee	
Nay	**Mayor Memmott**	
	C. Snively	**Motion dies.**

9. Lot 26 (Open Space) (8:29 p.m.)

Allen Parsons - I talked to Hansen and he agreed to sell to the adjoining lot owners. The upper lots feel it is too low and the others are giving me a counter offer. R.L. Peay is interested in the lower 1/3.
Mayor Memmott - First item of business is to remove the open space.
Rodney Despain - Discussed open space with the attorney. Best definition is from the dictionary. The Town has maintained that this was not to be built upon. A judge may say differently but this has been the Town's intent. The shape of the lot and statement of open space was the intent not to be buildable.
R.L. Peay - Has any one looked at this to see if it meets the criteria to be built upon?
Rodney Despain - Western edge of Oak Road gives area for a building to be built. There must be a petition to amend the plat to remove the designation of open space. The citizens have a strong feeling to not let that occur. Mr. Parsons wants a building permit but needs to comply with the plat standards. The Town needs the name and address of everyone in the plat.
Allen Parsons - The above owners are not against it.
Dawn Cattermole - That's not true.
Rodney Despain - You need the signature of each owner. This would be all in Plat I. If all consent, then there is no need for a hearing. All owners are notified and a public hearing held. We need a plat to remove the open space and a list of the adjoining owners. This gives the right to move forward. Then the Town Council decides to go forward or not. Then you have a replacement plat. If you do remain with one lot then I suggest that the eastern 2/3 still be labeled as open space so that it remains unbuildable.

TOWN OF CEDAR HILLS

Regular Planning Commission Meeting
Wednesday, July 27, 1994 6:30 p.m.
Alpine City Council Building
20 North Main, Alpine, Utah

NOTICE is hereby given that the Regular Planning Commission Meeting of the Town of Cedar Hills, Utah, will be held Wednesday, July 27, 1994, at the Alpine City Council Building at 6:30 p.m.

PLANNING COMMISSION MEETING

2 min	1.	Call to Order
2 min	2.	Swearing in of new Planning Commission Member - Jim Howe
2 min	3.	Approval of Minutes - July 25, 1994, Regular Meeting
30 min	4.	Preliminary Plan Review of 16 Acres - Vilmar Gaertner
30 min	5.	Review of Lot 26 (Open Space) - Allen Parsons
15 min	6.	Impact Fees
15 min	7.	Zoning Ordinance Amendments A. Commercial Zone B. Other
	8.	Adjournment

TOWN OF CEDAR HILLS

Regular Planning Commission Meeting
Wednesday, July 27, 1994 6:30 p.m.
Alpine City Council Building
20 North Main, Alpine, Utah

NOTICE of this meeting was properly posted throughout the Town and the press notified.

Present: Chairperson Meredith Simpson
Planning Commissioners Priscilla Leek, Dolores Gardiner, Lori Martin, Jim Howe, Doug LeDoux
Councilmembers Elizabeth Johnson and Mike Robertson
Kim Holindrake, Town Clerk
Rodney Despain, Town Planner
Citizens: Alan Parsons

This meeting of the Planning Commission was called to order by Chairperson Meredith Simpson at 6:42 p.m.

2. Swearing in of New Planning Commission Member - Jim Howe

Jim Howe was sworn in as a member of the Planning Commission by Kim Holindrake, Town Clerk, with a term through December, 1996.

3. Approval of Minutes - July 25, 1994, Regular Meeting

MOTION: C. Gardiner - To accept the minutes from May 25, 1994, with changes on page 2. Seconded by C. Leek and unanimously approved.

4. Preliminary Plan Review of 16 Acres - Vilmar Gaertner (6:45 p.m.)

C. Simpson - I received a call and apparently Mr. Scow has taken a second offer on the property and Vilmar Gaertner and Robert Mount are going to take him to court. Apparently they had a meeting with Mr. Scow Monday. He is planning to sell it for one home. He does not have frontage and he needs this in order to build.
Rodney Despain - Lot 1 does not conform to our ordinance. That could move a couple of property lines to have it conform. Part of the discussion last time was do we need a collector class road going through. A road with a sewer under would probably not have enough slope to run. So we may shift up to 9600 North for the collector class road and then to the west where the LDS Church is planning a building. I have talked to them about a collector class road there.
C. Simpson - What will happen to this piece with the sewer?
Rodney Despain - They were planning to run a line to 4000 West and then pick it up when the sewer came down that road. The Mayor and I have talked with Pleasant Grove about putting the sewer down at their line but she said that meeting did not go well. Much of it is uncertain at this time.

5. Review of Lot 26 (Open Space) - Allen Parsons (6:51 p.m.)

Alan Parsons - **See map handout** Scott Oldroyd has bought the property. We have been negotiating with the neighbors to buy 2/3 of the property.
C. Howe - My position and others is that we do not want to buy anything. If it is broken up then we might consider it.
Alan Parsons - Then maybe I should sell the whole thing to Scott Oldroyd. Mr. Swenson's house was open space and now has a house.
Rodney Despain - Lot 26 is an open space lot and the question of erasing

and making it a building lot has been the issue for some time. There is nothing that says he can't sell the property. It was acquired with that indication on it. The Town has continued that this be required to go through the plat amendment process to get rid of the open space designation. This is a determination of the Council. The Planning Commission is responsible for recommending to the Council what the replacement plat would be. Question, is this a suitable alignment of the property for those who have expressed interest. For the sake of discussion, let's say the Council will approve the plat vacation and the removal of the open space. I believe that the property that Scott Oldroyd wants could accommodate a lot. The question comes, what happens to the rest of the property. He has discussed it with many property owners. Ray Layne, Jim Howe, Mark Grant, R.L. Peay, A.J. Michaels and Paul Massicotte would all have a portion. We need a subdivision plat that includes all those lots with the portion of their lot. All these people would become co-subdividers. The question really before us is assuming that this alignment would be acceptable.

C. LeDoux - How does this affect those people who bought lots to be along open space. Can we do that?

Rodney Despain - The Planning Commission does not make that call. The Council will make the determination after a public hearing. The public or any individual can not be harmed. The Planning Commission recommends to the Council. We are trying to flush out the issues that are here. Everyone will sign this plat, if they are in it. All the citizens will have an opportunity to express their issue about if this will affect them. The issues are do we feel strongly about the open space. There are a lot of political issues. It will be and always be a weed patch.

Michael Robertson - Do we not have a weed ordinance?

Alan Parsons - I don't know that you want to cut what is holding that side up.

C. Howe - Some owners have said that they would like it to be open space. A.J. Michaels said she was concerned about the fire problem and the weeds.

Rodney Despain - If the amendment process takes the open space off and you want it on then you would put it back on at that time of the new plat.

C. Leek - Have you entertained an offer from one person to buy it?

Alan Parsons - Scott Oldroyd is interested in buying the whole thing. Open space has only been applied to public property and not private property.

C. LeDoux - What are we deciding here? This will set a precedence for the other lot.

Rodney Despain - 1. That the Scott Oldroyd piece is buildable. 2. Other parcels would be divided off and title given. These people would know that it would be open space.

C. LeDoux - Is there a building envelope there?

Rodney Despain - Yes. I believe a building could be placed in that piece.

C. Howe - You have a frontage between Laynes and Howes. If we allow one for Scott Oldroyd, could others come and put houses there?

Rodney Despain - Yes, but Laynes will put the property to his lot. There is no guarantee that people won't ask but will they receive this?

C. Martin - What are we here to decide without the proper presentation?

C. Leek - You have talked to these people but we don't have anything before us from these people that they want the property.

Rodney Despain - It has been represented to me that these people do want this. This is a concept review. Everything will have to be resolved.

Elizabeth Johnson - What if the one building lot is given and the rest turned to the Town as it was in the past?

C. Martin - Mr. Sears called me and he says that this will affect his building lot value.

Elizabeth Johnson - Mr. Sears and Mr. Layne will not be happy with a building lot there.

C. LeDoux - Our leverage is if we give one lot then others will want the same.
Rodney Despain - In some way we need a distribution of the property and Mr. Parsons wants a building lot out of this. Until Lot 26 is owned by someone adjacent to it then it will always be a fire hazard. It is a possibility that the Town gets it but they may not be financially set to maintain it. Is the lot between Laynes and Howes buildable?
C. Howe - It is not as steep as some areas on Lot 19. In Salt Lake on the east bench, there are homes built like this.
Rodney Despain - You put the open space back on this area and then the Town has control.
C. Martin - Do the people intend to keep it open space or do they plan to use it how they want to? We need to determine what they plan to do. One gentleman intends to put his heavy equipment on it.
Rodney Despain - You can be more definitive and restrictive. The property owners need to be involved early on. To some degree, if Gardners get it, do they want to remove their fence. I don't think so. Most would want to enlarge their own lot if they got the property.
C. Howe - A number of us would prefer that it remains as it is; but if it is parceled, then we would be forced to buy this.
C. LeDoux - It is not the concept that is our concern. It is other issues.
Rodney Despain - Nothing vests at a concept. You have to go through preliminary approval. You have to go through the process.
Alan Parsons - My original intent was to sell the whole thing to Mr. Oldroyd. We do not want to build a home that would antagonize the neighbors. The people there wanted to have it pieced or sold in whole. The other 2/3 is worth $65,000.
Rodney Despain - The question I raise again is if all came to pass would the Planning Commission be willing to approve a plat?
C. Simpson - We are looking to have a lot for Mr. Oldroyd and the rest being open space.
Discussion of Open Space designation
Rodney Despain - I discussed the open space with legal council and one argument is that it is there and you treat this as a request. I don't know what a judge would do because this one area meets building requirements. The Town has addressed the issue of allowing a building lot.
C. Simpson - We could then put restrictions on the rest so this does not happen again.
Rodney Despain - I believe that Lot 19 will come with a similar request. Mr. Hansen has said in the past that it is good for 8 lots, but it is one lot and was bought as one lot. The owners think differently. The Council will make the call.
Michael Robertson - If the Planning Commission gives concept then it goes to the Council for public hearing and a decision?
Rodney Despain - The Council decides if it burdens others after the public hearing is held. The history is clear. It was intended to be dedicated to the Town. For whatever reason, it did not happen and was sold for taxes. I suggest that you express your point of view and not have a motion.
Elizabeth Johnson - 1. Leave as open space. 2. Make one lot and allow a building permit on the west side. 3. Allow one lot and divide remaining to neighbors. 4. Have a building lot and negotiate with the Town to take the remainder. You need to decide and let the Council know.
Rodney Despain - If this is done, these people will have to come and be a definite part of the process.
Alan Parsons - If I sold it to one neighbor and Mr. Oldroyd?
C. Simpson - They have to be here.
C. Howe - Some of the neighbors would want to know what the plans are.
Alan Parsons - Can I ask for the open space to be erased?

Rodney Despain - You are asking this now. You did that in the past. If you want to do this it is the same process. It has a high probability of denial.
C. Martin - If Mr. Oldroyd gets his permit, then there is no access for a brush truck.
Priscilla Leek excused at 7:50 p.m.
Elizabeth Johnson - The point we are getting hung up on is that these other people are co-developers and need to be here.
Alan Parsons - To simplify this then I will sell the entire thing to Mr. Oldroyd.
C. Simpson - There is no conclusion.

6. Impact Fees (7:55 p.m.)

C. Simpson - Roger Zundel did a study of other towns.
Elizabeth Johnson - He came up with just throwing in a number. That is not the process that holds up in the courts. We have to have a specific study of our Town.
C. Simpson - The Council is addressing this issue.

7. Zoning Ordinance Amendments (7:58 p.m.)

Elizabeth Johnson - Issues we had. Change from a shopping zone to a professional zone. Part of the deal was Lyle Smart giving the property for the road and making it a SC-1 Zone. We need to make sure that he agrees with this. I have been told that it is a very staff intensive ordinance and we don't have any staff. I feel we need to go back and look at our goals for this area. List the businesses we want and don't want and then go from there.
C. Howe - I think a shopping center is a horrible idea. People raised $75,000 to fight a shopping center.
Discussion of road property being given to Town for zoning property to SC-1
C. Gardiner - We do need revenue.
Elizabeth Johnson - We might want a professional area, medium retail and then Walkers would be on the corner. Get the lowest impact to the residential and the highest at the Training School Road.
C. Simpson - The State has set the plans for the Training School Road.
Elizabeth Johnson - We need a feel of what we want before we talk to Lyle Smart. We need to plan carefully. We could say that we will allow only one convenience store. Do you like the idea of a progressive commercial area? The area is 41 acres.
C. LeDoux - I would like to see it as small as we can.
C. Simpson - We need to find out the specifics from the road property and Lyle Smart's deal.
Elizabeth Johnson - I want to know how you want it to look. Do you want a strip mall or small house type businesses?
C. Howe - I would like a "James Town Square" type look with trees, bike trails and such. I will see if I can get a copy of their requirements.
Elizabeth Johnson - We could say that we are predominantly residential and we want our commercial zone to fit in.
Discussion of building types and SC-1 Zone Ordinance

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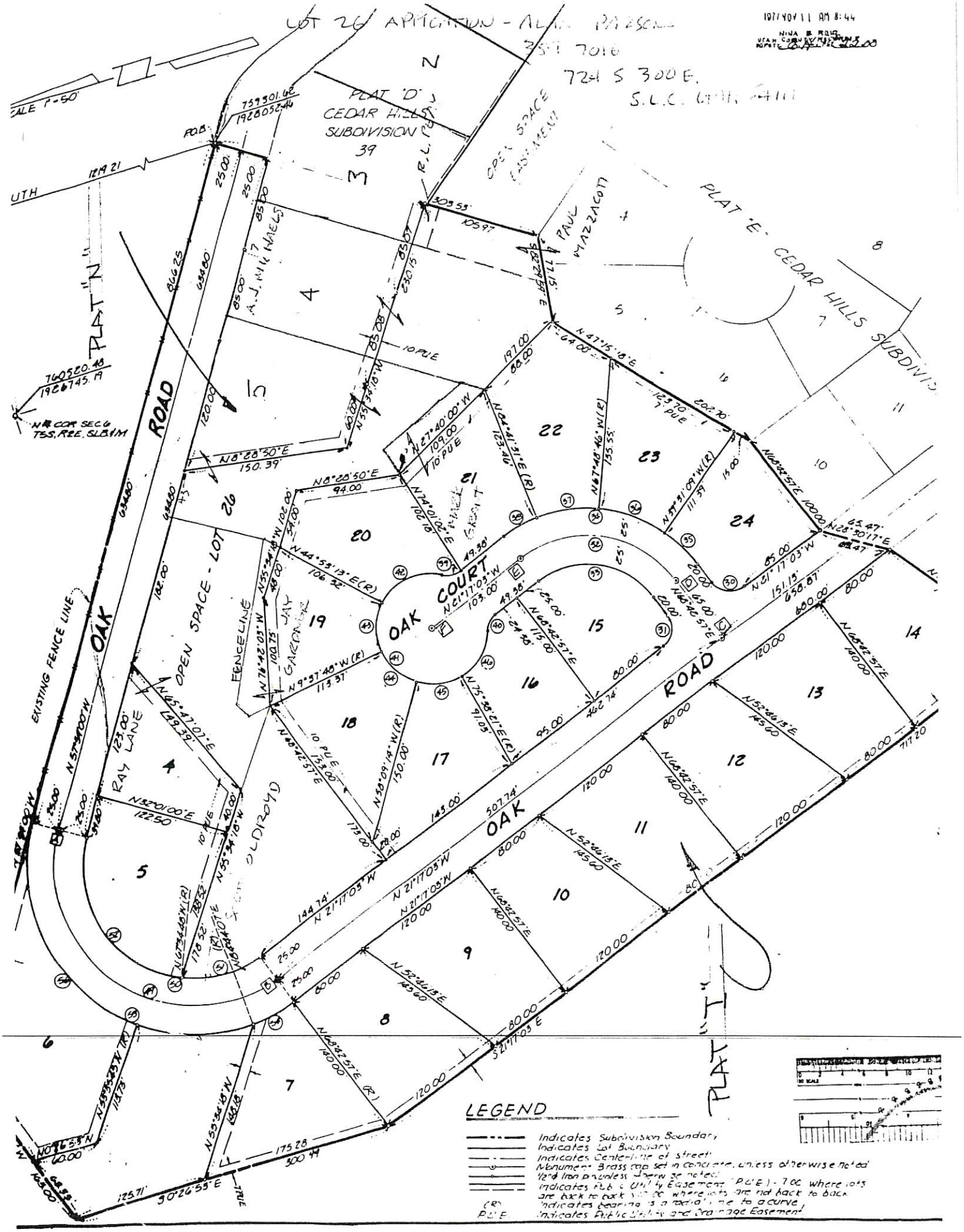
8. Adjournment

This meeting was adjourned at 8:35 p.m. on a motion by C. Gardiner and seconded by C. LeDoux.

Kim E. Holindrake
Kim E. Holindrake, Town Clerk



LOT 26 APPLICATION - ALAN PARSONS
724 S 300 E.
S.L.C. UTAH 84111
1977 NOV 11 AM 8:44
NINA B. REID
PLAT "D" CEDAR HILLS SUBDIVISION 39
PLAT "E" CEDAR HILLS SUBDIVISION
PLAT "N"
PLAT "T"
OAK ROAD
OAK COURT
OPEN SPACE - LOT 26
OPEN SPACE EASEMENT
EXISTING FENCE LINE
FENCE LINE
RAY LANE
A.J. MICHAELS
PAUL MAZZACOTT
JAY GARDNER
OLDROYD
LEGEND
Indicates Subdivision Boundary
Indicates Lot Boundary
Indicates Centerline of street
Monument Brass cap set in concrete, unless otherwise noted
1/2" Iron pin unless otherwise noted
Indicates Public Utility Easement (P.U.E.) - 7.00 where lots are back to back 10.00 where lots are not back to back
(R) Indicates bearing is a radial line to a curve
P.U.E. Indicates Public Utility and Drainage Easement

Cedar Hills Planning Commission
via Colleen Mulvey, City Recorder

July 20, 2017

Re: Amendment to City Code, Rezoning Parcel #36:145:0026

Honorable Commissioners:

I urge you to deny your approval of the proposed zone change.

I moved here from Idaho last year. We lived in a small community that was kind of out in the middle of nowhere. I appreciate that Cedar Hills is a nice place because it has both the charm of a little town and the access to large city attractions. I came here because this new neighborhood of ours has open space right in our back yards. Open space makes me feel good. Open space is a good treatment for stress. It's a break from too much crammed development and asphalt. It's a rest for the eyes and the mind. I voted for the CARE tax last year and was happy to do it.

Communities that value and protect passive open space recreational areas are helping to advocate for biodiversity. The cedar trees here in their natural environment attract local birds, helping us to connect to the other creatures that share this space on earth with us. I'm totally delighted to see deer. To me, this is a public good. To me, the deer and trees have a right to be protected. You can do good to your residents through the preservation of natural features.

There are detailed studies about the health benefits of open space to our community. Depression and other mental illness seem to get worse the more urbanized our living spaces become. The aesthetics of parkland provide recovery from stress and fatigue. The serenity of space elevates mood and self-esteem. Passive recreation sites are needed for aged residents who are not involved in team-sports and need a place for quiet contemplation. But restful awareness of natural features is appreciated by old and young alike. Passive recreational space is more than just a secondary little nicety — it is a key aspect of urban planning.

As much as I like this parcel just as it is, it could be improved for walking. Along W. Oak Road North, one must traverse the street back and forth to

find a sidewalk to walk on, dodge weeds and face ugly non-matching retaining walls. How much better would it be to be able to walk through a small nature park to get to our friends across the way? It would be so much more pleasant! The availability of parkland is first and foremost a key requirement for any city's plan to update their park inventory. Access is another. In the case you will be discussing now, you already have both. Don't give up your rights to future parkland.

Please deny the petitioner's request for a rezone.

Respectfully,
Cheri Condie
4221 W. Oak Road North
208-358-1166

Cedar Hills Planning Commission
via Colleen Mulvey, City Recorder

July 20, 2017

John Condie
4221 W. Oak Road North
Cedar Hills, Utah 84062

208-293-4971

Honorable Commissioners:

I just want to relay some of my thoughts concerning the proposed rezoning of the parcel of open space of land that runs below West Oak Road North.

I purchased my home here after checking with the city office and being told it was designated for a park. Since then, I've found out that being designated doesn't mean it will happen. I was also told by the previous owner that it could never be developed for housing and would remain open space. However, it proved to be that neither information was official as to what could really happen if it ever got rezoned.

So here I sit sometimes wondering about the fire hazard in the summer next to the homes that border it. I would like to see it remain open space; even if we don't get a passive park established there, what we've got now is far and away better than some homes jammed in there (assuming they could be). I know there are a lot of issues and facts that you weigh, besides the surrounding homeowners' wishes and concerns, in making your recommendations. I am asking you to value what the land means to our community as it sits and to deny your recommendation to rezone it for residential.

Thanks,

John Condie

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CEDAR HILLS, TO CHANGE A PORTION OF AREA CURRENTLY IN THE PF PUBLIC FACILITIES ZONE TO THE R-1 11,000 RESIDENTIAL ZONE.; AND PROVIDING FOR THE ADOPTION AND ADMINISTRATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH:

PART I

TEXT OF ORDINANCE

SECTION 1. Official Zone Map The Official zone map of the City is hereby amended to show the zone designation applicable to the area set forth on Attachment A to be changed from the PF, Public Facilities Zone; to the R-1 11,000 Residential Zone.

PART II

PENALTY AND ADOPTION

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the 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 it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

D. PENALTY

Hereafter these amendments shall be constructed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said zoning regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 17TH DAY OF OCTOBER, 2017.

_____

Gary R. Gygi, Mayor

ATTEST:

_____

Colleen A. Mulvey, City Recorder

CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	10/17/2017

City Council
Agenda Item

SUBJECT:	Review/Action on Amendments to §10-5-27 Landscaping Development Standards Regarding Artificial Turf
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager/City Planner

BACKGROUND AND FINDINGS:

A resident has requested that the City consider allowing artificial turf as an acceptable form of landscaping. Other municipalities have considered and adopted provisions allowing artificial turf within a set of guidelines. Ogden has adopted an ordinance allowing artificial turf. Cedar Hills City Code §10-5-27 would need to be amended to allow for the installation of artificial turf. Currently, §10-5-27 (B) states, "The front yard area of any existing lot containing a dwelling shall be landscaped. It shall be unlawful for the owner of any residential lot within the city to refuse to install and maintain landscaping within the front yard area of any existing residential lot containing a dwelling. The front yard area shall consist of the entire lot area from the front lot line to the face of the dwelling, or the front setback area, whichever is greater (except for approved designated parking areas). Corner lots have two (2) front setback areas. Landscaping shall be properly maintained including removing weeds and mowing turf areas. Turf grass shall not exceed six inches (6") in height. (Ord. 10-20-2009C, 10-20-2009) This provision is exclusively for the front yard.

The proposed code would prohibit the use of artificial turf as a method of landscaping in the front and side yard areas. An additional code was proposed to the planning commission that would allow for the installation of artificial turf; the proposed is included in the Council packet.

PREVIOUS LEGISLATIVE ACTION:

Planning Commission made recommendation to approve code to disallow the use of artificial turf as an acceptable landscaping method.

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

Cedar Hills City Code §10-5-27, Artificial Turf Code (Allowed),Ordinance on Artificial Turf Code (Prohibited)

RECOMMENDATION:

Staff recommends that the City Council consider the Planning Commission recommendation;

MOTION:

To approve Ordinance _____, amending §10-5-27 to prohibit the use of artificial turf as an acceptable landscaping method for the front yard and side yard areas, pending the following changes {LIST ANY APPLICABLE CHANGES}.

To deny the proposed ordinance, and direct the planning commission to review the issue of artificial turf as an allowed landscaping method and make future recommendation to the City Council.

10-5-27 Landscaping

(C) (3) Artificial Turf

If artificial turf is used as ground cover:

a. It shall consist of green lifelike individual blades of grass that:
    1. Emulate natural turf in look and color
    2. Have a minimum pile height of 1.5 inches, except in rear yards where shorter pile height may be installed for planned recreational surfaces; and
    3. Have a minimum tufted weight of 56 ounces per square yard.
b. In no case shall it be installed within:
    1. Permanent drainage features (e.g. ponds, swales, and retention and detention basins); or
    2. Any public right-of-way;
c. It shall have a minimum eight year manufacturer's warranty protecting against color fading and decrease in pile height;
d. The use of indoor or outdoor plastic or nylon carpeting as a substitute or replacement for artificial turf or natural turf is prohibited;
e. It shall be properly anchored to ensure that the turf will withstand the effects of wind;
f. All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look;
g. Proper grading, compaction and drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water and artificial turf installations shall have a minimum permeability of thirty inches (30") per hour per square yard;
h. It shall be visually level, with the grain pointing in a single direction;
i. An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate the artificial turf from planters and live vegetation;
j. A minimum four foot (4') separation between artificial turf and tree trunks and two foot (2') separation between artificial turf and shrubs shall be maintained to ensure roots are not damaged with the installation of artificial turf and that the overall health of the living plant material is not compromised;
k. It shall be cleaned regularly and maintained in an appropriate and neat manner;
l. It shall be replaced if it is worn, uneven, discolored, or damaged;
m. It shall comply with subsection C of this section if it is proposed to be used, either solely or in combination with other nonliving ground cover, for more than ten percent (10%) of the ground area required to be landscaped; and
n. Artificial turf is limited to not more than fifty percent (50%) of the total landscaping area, unless it is installed and used in the construction of public or private athletic fields, or on playgrounds associated with a:
    i. Public or private community center;
    ii. Park; or
    iii. School.

ORDINANCE NO: _____

AN ORDINANCE AMENDING TITLE 10, CHAPTER 5, SECTION 27, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO LANDSCAPING AND THE USE OF ARTIFICIAL TURF.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills ("City Council") may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances "necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City"; and

WHEREAS, the City Council, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code relating to the landscaping requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH:

AMENDMENTS

10-5-27 (C)(3) Artificial Turf: Artificial Turf is not an acceptable type of ground cover and does not meet the intent or provisions of this section. The installation of artificial turf shall be prohibited in the front and side setback of any residential or commercial lot.

SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 17TH DAY OF OCTOBER, 2017.

Gary R. Gygi, Mayor

ATTEST:

Colleen A. Mulvey, City Recorder

CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	10/17/2017

City Council
Agenda Item

SUBJECT:	Discussion on Arguments in Favor of and Against the Cedar Hills PARC Tax Proposition #7
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Chandler Goodwin

BACKGROUND AND FINDINGS:

State code 59-1-1605 requires taxing entities placing a tax proposition, i.e. PARC tax or other, on a general election ballot to hold a public meeting, allowing equal time within a reasonable limit for a presentation of the arguments in favor of and against said proposition during the public meeting. The public meeting is not required to be a public hearing.

PREVIOUS LEGISLATIVE ACTION:

Approval of the 2008 CARE Tax proposition.

FISCAL IMPACT:

TBD. May vary year to year. PARC tax revenues and corresponding expenses or associated restricted fund balance are historically approximately $44,000 annually.

SUPPORTING DOCUMENTS:

PARC Tax Proposition #7 voter information pamphlet.

RECOMMENDATION:

Staff recommends the City Council review the arguments in favor of and against the Cedar Hills PARC tax Proposition #7 and allow the public to have equal time for presentation of arguments for or against the proposition.

MOTION:

No motion is necessary. This is a discussion item only and an opportunity to receive a presentation of arguments in favor or against the PARC Tax proposition.

ARGUMENT AGAINST PROPOSITION #7

Vote AGAINST the proposed new PARC Tax

It is not the proper role of City government to tax and spend money on programs that are not necessary for its residents.

Most people enjoy the arts. We do too, but this vote is not about "arts" or parks. It's about a City that has wasted funds – already entrusted to them – asking for more money. Last year Cedar Hills residents voted AGAINST a similar "CARE" arts tax increase. City officials didn't take "no" for an answer.

Some questions CH voters should ask about the City's proposed new "arts" (PARC) tax:

1. What reasonable person would vote to raise their own taxes for non-essential services?
2. What good neighbor would vote to force unnecessary new taxes on his neighbors (widows, retirees, people on a fixed income, or those financially challenged)?
3. Why give more money to City officials who have not kept past promises on other taxes and fees?

For example: The City collected $2.9 million in impact fees over 10 years to build a "Rec Center / Pool." Instead, the City built a golf clubhouse and wedding reception center. The city touts small wedding profits, while glossing over the $581,000 per year average in golf course losses.

Despite false claims published in the City Newsletter that got some current and recent officials elected, saying the golf course was "cash flow positive" (profitable), it is not. The City persuaded residents to vote for $6.437 million golf bond, promising voters it would make $400K per year in profits to "lower taxes," be closed on Sunday and not allow alcohol. These promises were broken. We are buried in debt!

The truth? The golf course is a financial failure, and NEVER once has the golf course made $1 of profit – in any year. This helps explain why the City "needs" a new tax. In fact, the golf course has averaged $581,000 in losses (subsidization) every year, sacrificing possible new parks, the Rec Center / Pool, library, etc., we might all have enjoyed, – not just golfers.

Despite numerous requests, the City has NEVER provided a year-by-year loss table in the Newsletter, to correct the false claims that helped get them elected. Our "public servants" Mayor and Council continue to allow themselves and staff unlimited FREE golf – while the residents must pay. A conflict of interest? Our high taxes are also hidden in the form of "free food" breakfasts, Easter Egg hunts, and many other fun but unneeded "services."

The City proposed PARC tax is NOT for essential core public services. For those people who want government "arts," no problem, please feel free to write out a personal check and donate it to the City. But please don't vote to take money from your unwilling neighbor's pocket by using your vote to impose an unnecessary new tax.

Please VOTE AGAINST the City's proposed new PARC "arts" tax.
Cedar Hills for Responsible Government / www.CedarHillsCitizens.org

Jerry Dearinger & Friends
4211 W. Manila Creek Drive
Cedar Hills, UT 84062
801-796-1777 • Jerry@CedarHillsCitizens.org

REBUTTAL TO ARGUMENT AGAINST OF PROPOSITION #7

Local government exists to provide services and to develop and preserve a sense of community. In several surveys conducted over the years, Cedar Hills residents have consistently indicated that, for some, the top reasons for choosing to live in Cedar Hills include its family-friendly environment and the access to open space and trails. Our parks, trails, and community events are highly valued and provide the sense of community that makes Cedar Hills a place where people want to raise families and enjoy time together as friends and neighbors. It's a place we can be proud to call our hometown.

The PARC tax provides revenue for those things-parks, trails, and community events-most desired by our residents, by adding one penny to every ten dollars spent in a retail establishment in Cedar Hills. Because it is a tax added to retail sales, residents from other cities that shop in Cedar Hills also contribute to the revenue generated for these services. Our commercial district, adjacent to Walmart, is now on the verge of expanding. As these retail opportunities expand in our city, the PARC tax will provide funding for such things as the completion of our trails system, completion of our newly-acquired 12-acre park near Deerfield Elementary, and the provision of community services. Please support these services by voting YES for the PARC tax. For information regarding statements made in the opposing argument that are unrelated to the PARC tax, please email me at jenneyrees@gmail.com.

City of Cedar Hills
10246 North Canyon Road
Cedar Hills, Utah 84062

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******************ECRWSS****

Local
Residential Customer

City of Cedar Hills

VOTER INFORMATION PAMPHLET

for Proposition #7

To be voted on in the November 7, 2017

General Election

THE OFFICIAL TEXT OF THE CITY OF CEDAR HILLS PROPOSITION #7 IS AS FOLLOWS:

Shall the City of Cedar Hills, Utah, be authorized to impose a 0.1% sales and use tax within the city to fund cultural, recreational and botanical organizations or facilities in the city?

- ❑ FOR the Imposition of the 0.1% Sales and Utah Tax
- ❑ AGAINST the Imposition of the 0.1% Sales and Utah Tax

The arguments for or against a ballot proposition are the opinions of the authors.

This pamphlet was paid for by the City of Cedar Hills

October 2, 2017

Dear Cedar Hills Resident:

On November 7, 2017, Cedar Hills voters will have the responsibility to vote on an opinion question entitled Proposition #7, which asks whether or not the city should impose a sales and use tax for cultural arts, recreational, and botanical organizations or facilities (PARC Tax).

This Voter Information Pamphlet has been prepared to help you better understand the issue. It contains arguments for and against the proposition, along with the official text and initial fiscal impact statement. This pamphlet also contains information regarding voter registration, voting by mail, and the voter service center.

Please take the opportunity to study this pamphlet, so that when you vote you will be able to make a sound, intelligent and informed choice on the issue.

Sincerely,

Colleen A. Mulvey, MMC
City Recorder

VOTER REGISTRATION - VOTE BY MAIL INFORMATION
VOTER SERVICE CENTER

You may register to vote by submitting a voter registration form either in person at the Utah County Elections Office, 100 E Center Street, Rm 3100, Provo, Utah 84606, or you can register online at vote.utah.gov or at www.utahcounty.gov.

Vote by Mail – The 2017 Municipal General Election will be administered entirely by mail. Ballots will be mailed out to each registered voter beginning on October 17, 2017. Ballots must be clearly postmarked before Election Day, or placed in the ballot box at the City Office Building by 8:00 p.m. on Election Day.

Voter Service Center – A Voter Service Center will be open on Election Day (November 7, 2017) from 7:00 a.m. to 8:00 p.m. at the City Office Building, 10246 N Canyon Road. This service center is to assist voters who did not receive a vote-by-mail ballot. Voters may also bring in their ballots up until 8:00 p.m. on Election Day.

INITIAL FISCAL IMPACT STATEMENT FOR PROPOSITION #7

The city budget officer estimates the fiscal impact will increase revenues of $40,000 annually to fund an offsetting expense of the same amount.

ARGUMENT IN FAVOR OF PROPOSITION #7

Vote FOR the PARC Tax

The City Council of the City of Cedar Hills, Utah has approved the provision of placing the opinion question of a Parks, Arts, Recreation, and Cultural (PARC) Tax on the November 7, 2017, ballot.

If approved, the PARC Tax would add an additional 0.1% tax on all retail items sold in Cedar Hills, which means that for every $10 spent in a retail establishment within Cedar Hills, the city would assess a tax of one penny. By collecting this small sales tax, residents and non-residents who shop in Cedar Hills assist in generating funds for parks, arts, and recreational opportunities within the city. While this tax is minimal, it has the ability to have a large positive impact on our community and quality of life, making Cedar Hills an even more desirable place to live.

Our city still has three potential parks listed in the General Plan, including the 11.5 acres of land recently purchased next to Deerfield Elementary. PARC tax funds can be used to help with the completion of these parks, as well as the trail system that connects them. This tax would go into effect on January 1, 2018, and be in place for 10 years.

Up until last year, the city had collected this tax, then known as a CARE tax. The funds collected from this tax averaged about $40,000 per year of revenue for the city. These funds were used to:

- Install a basketball court at Heritage Park
- Help with the completion of the Community Center basement, which added two rooms used for activities such as karate classes, theater and singing classes, and art classes
- Install a restroom at Mesquite Park
- Coordinate community events hosted by the Arts Committee, such as the children's art contest annual date night, and the Concert in the Park series.
- Complete Bayhill Park

These funds are not used to subsidize city recreation programs, such as soccer or basketball. Cedar Hills' recreation programs are funded through fees charged to participants, and are not subsidized through PARC tax, or any other tax.

Instituting this small retail tax, with a sunset provision, is a wise way to raise revenue needed for our parks, trails, recreational facilities, and community events, and to maintain the open space enjoyed by Cedar Hills residents. We hope you will support these efforts and vote YES on the PARC tax.

Jenney Rees
10258 Bayhill Drive
Cedar Hills, UT 84062
801-358-8730 • jenneyrees@gmail.com

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION #7

Cedar Hills Citizens for Responsible Government are surprised that Councilwoman & Candidate for Mayor Jenney Rees (elected 2011) is willing to publicly expose that she and many City officials are in FAVOR of raising your taxes – when we already voted NO!

Regrettably, City Officials have proven incapable of wise spending, keeping promises and quickly paying off City debt – and have tried to hide financial facts from Cedar Hills voters for years.

Home-builders were forced by the City to collect $2.9 million in Impact Fees for ten years, promising to build a "Rec Center / Pool." When the City Council instead built a Golf Club House / Grill / Wedding Reception Center, – the Utah Home Builders Association sued the City. The City knew it was wrong, as proven by the lawsuit it "settled out of court." This cost Cedar Hills taxpayers an additional $190,000, not to mention wasted staff time, legal fees – and still NO Rec Center or Pool. *(See our November 19, 2012 posting, and other articles at www.CedarHillsCitizens.org.)*

Friends, there is no end to the "good" this City Council can do with YOUR money. It's time to Just Say NO!

It's time they tighten their own belts, and stop asking for more money. Let's not fall for more broken promises. Let's replace tax & spend politicians, and get out of debt. VOTE AGAINST the NEW PARC TAX.

CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	10/17/2017

City Council
Agenda Item

SUBJECT:	Amendments to City Code Title 4, Chapter 2, Nuisances
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager

BACKGROUND AND FINDINGS:

Based on the public hearing for the rezoning of the Oak Road parcel, staff felt that it would be appropriate to review §4-2-3 related to weed nuisances. Currently (5)(j) reads:

j. Weeds: Weeds on developed commercial and residential lots shall be maintained at a height of not more than six inches (6") at any time, and shall be cleared from real property in the city. Weeds on undeveloped lots shall be maintained at a height of not more than six inches (6") at any time, within thirty feet (30') of any property line, road or structure. Lots being used for livestock pasture or agricultural crops are exempt from the maximum height limit. Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.

Staff is recommending minor changes that would change the language related to undeveloped lots, to include language subjecting every zone to the weed abatement ordinance, and adding language to carve out an exception for municipally owned parcels intended as natural open space.

PREVIOUS LEGISLATIVE ACTION:

N/A

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

Ordinance Amending Cedar Hills City Code §4-2-3

RECOMMENDATION:

Staff recommends the city council approve the proposed ordinance.

MOTION:

To approve/not approve Ordinance No. _____, an ordinance amending City Code §Title 4, Chapter 2, Nuisances subject to the following changes: {LIST ANY APPLICABLE CHANGES}.

ORDINANCE NO: _____

AN ORDINANCE AMENDING TITLE 4, CHAPTER 2, NUISANCES, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO NUISANCE DEFINED AND ENUMERATED.

WHEREAS, the City of Cedar Hills ordinance dealing with zoning violations and nuisances has been reviewed and found to be in need of revision; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the City of Cedar Hills, and

WHEREAS, the City Council desires to encourage a well-maintained city, free of nuisance conditions that negatively affect surrounding property owners by reducing their ability to exercise the quiet enjoyment of their property; and

WHEREAS, after consideration of all the relevant factors, the City Council of the City of Cedar Hills finds and determines that it is in the best interest of the health, safety and general welfare of its current and future residents to adopt this ordinance in order to provide for the regulation of nuisances within the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH:

AMENDMENTS

PART III
NUISANCE DEFINED AND ENUMERATED

C. **General Definitions of Nuisance.** Any activity that meets any one or more of the five definitions set forth below shall constitute a "nuisance" if it occurs within the City of Cedar Hills:

(j) **Weeds.** Weeds on developed commercial and residential lots shall be maintained at a height of not more than six inches (6") at any time, and shall be cleared from real property in the city. Weeds on undeveloped lots in every zone shall be maintained at a height of not more than six inches (6") at any time, within thirty feet (30') of any property line, road or structure. Lots being used for livestock pasture or agricultural crops, and municipally owned parcels intended as natural open space are exempt from the maximum height limit. Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.

SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 17TH DAY OF OCTOBER, 2017.

_____

Gary R. Gygi, Mayor

ATTEST:

_____

Colleen A. Mulvey, City Recorder

CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	10-17-2017

City Council
Agenda Item

SUBJECT:	Discussion on a Watershed Protection Program Ordinance
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager

BACKGROUND AND FINDINGS:

State Code allows for municipalities to draft watershed protection programs that prevent pollution and contamination of streams and watercourses from which the residents of the city derive their water supply. The draft ordinance was adopted by American Fork City in response to potential development in American Fork Canyon. As Cedar Hills derives its culinary water supply from the same resources, in may be prudent to explore a similar ordinance that gives Cedar Hills the ability to voice concerns due to any development that may potentially be detrimental to the city's water supply.

PREVIOUS LEGISLATIVE ACTION:

N/A

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

Utah State Code §10-8-15, Draft Watershed Protection Program Ordinance

RECOMMENDATION:

Review the proposed ordinance and make any necessary changes for future adoption.

MOTION:

No motion necessary, discussion item only.

Utah State Code Title 10 Chapter 8 Part 1 Section 15

Powers and Duties of Municipalities

Effective 5/10/2016

10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.

They may construct or authorize the construction of waterworks within or without the city limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution their jurisdiction shall extend over the territory occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for 15 miles above the point from which it is taken and for a distance of 300 feet on each side of such stream and over highways along such stream or watercourse within said 15 miles and said 300 feet; provided, that the jurisdiction of cities of the first class shall be over the entire watershed, except that livestock shall be permitted to graze beyond 1,000 feet from any such stream or source; and provided further, that each city of the first class shall provide a highway in and through its corporate limits, and so far as its jurisdiction extends, which may not be closed to cattle, horses, sheep or hogs driven through any such city, or through any territory adjacent thereto over which such city has jurisdiction, but the board of commissioners of such city may enact ordinances placing under police regulations the manner of driving such cattle, sheep, horses and hogs through such city, or any territory adjacent thereto over which it has jurisdiction. They may enact all ordinances and regulations necessary to carry the power herein conferred into effect, and are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part, for domestic and culinary purposes, and may enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the city has jurisdiction, and provide for permits for the construction and maintenance of the same. In granting such permits they may annex thereto such reasonable conditions and requirements for the protection of the public health as they deem proper, and may, if deemed advisable, require that all closets, privies and urinals along such streams shall be provided with effective septic tanks or other germ-destroying instrumentalities.

AN ORDINANCE CREATING A NEW SECTION OF ~~AMERICAN FORK CITY~~THE CITY OF CEDAR HILLS CODE PROVIDING RESTRICTIONS AND REGULATIONS OVER ~~AMERICAN FORK CITY~~THE CITY OF CEDAR HILLS WATERSHED AREA TO PROTECT THE CITY'S WATER QUALITY.

RECITALS

WHEREAS, ~~American Fork City~~The City of Cedar Hills seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of ~~American Fork City~~The City of Cedar Hills; and

WHEREAS, the welfare of the citizens of ~~American Fork City~~The City of Cedar Hills would be served by the adoption of restrictions and regulations over the City's Watershed Area; and

WHEREAS, Utah Code Annotated Section 10-8-15 authorizes the ~~American Fork City~~ City of Cedar Hills Council to enact ordinances preventing Pollution or contamination of the streams or Watercourses from which the City derives its water supply for domestic and culinary purposes; and

WHEREAS, the ~~American Fork Cit~~ City of Cedar Hills Municipal Code does not presently contain any regulations or protections for the City's Watershed Area; and

WHEREAS, the ~~American Fork City~~City of Cedar Hills Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

NOW THEREFORE, be it ordained by the ~~American Fork City~~City of Cedar Hills Council that:

Chapter 7-1 Article E ___. Restrictions and Regulations over the ~~American Fork City~~The City of Cedar Hills Watershed.

The provisions codified in this Chapter will be known and may be referred to as restrictions and regulations over the ~~American Fork City~~City of Cedar Hills Watershed Area, as that term is defined herein.

__.__.__ Purpose and Intent.

It is the purpose of this Chapter to protect the City's water resources and to improve water quality by restricting and regulating conduct within the Watershed Area. It is the intent of the City to assert jurisdiction over the Watershed Area, including Aquifers and surface waters to the maximum extent allowed by federal, state, and county law and consistent with the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality.

__.__.__ Definitions.

For the purposes of this Chapter, the following terms, phrases and words will have the following meanings:

1. "Animal Enclosure" means a corral, sheep pen, pig pen, chicken coop, stable, or any offensive or contaminating yard relating to Animals.
2. "Animals" means any cattle, horses, sheep, or pigs.

3. "Aquifer" means an underground formation that contains and transmits ground water.

4. "Chemical Toilet" means a non-flush device wherein the Waste is deposited directly into a receptacle containing a solution of water and chemical housed in a permanent or portable structure.

5. "City" means the city of American Fork, Utah.

6. "Director" means the Director of the Public Works Department for the city of American Fork, Utah.

7. "Drinking Water Source Protection Rule" means the Utah Drinking Water Source Protection Rule as adopted by the State of Utah Department of Environmental Quality, Division of Drinking Water.

8. "Drinking Water Source Protection Zone" and "Water Protection Zone" mean those areas delineated or established by the City in accordance with standards set by the Utah Drinking Water Source Protection Rule.

9. "Owner" means any person who along, jointly or severally with others:

    a. has legal or equitable title to any real property or premises, including dwellings or dwelling units, with or without accompanying actual possession thereof; or

    b. has charge, care, or control of any real property, premises, dwellings, or dwelling units, as legal or equitable Owner or agent of the Owner, or an executor, administrator, trustee or guardian of the estate of the Owner, with or without possession.

10. "Permit" means a Permit that the Director issues pursuant to this Chapter.

11. "Pollution" means those contaminants to ground water identified as a "Pollution source" as defined in the Drinking Water Source Protection Rule.

12. "Portable or Temporary Toilet" means an outdoor toilet that can be picked up and moved and is not connected to a hole in the ground or a septic tank and is not plumbed into a municipal system leading to a Sewage treatment plant.

13. "Public Works Department" means the Public Works Department of the city of American Fork, Utah.

14. "Putrescible Material" means any organic material subject to biological decomposition with the production of offensive odors associated with anaerobic or aerobic conditions, including but not limited to dead animals, garbage, manure, and vegetable compost matter.

15. "Reservoir" means any natural or artificial lake or pond except a storm water detention basin.

16. "Septic Drain Field" or "Leach Field" means any subsurface Wastewater absorption system or facility used to remove contaminants, pollutants, and/or impurities from the liquids discharged from a septic tank.

17. "Septic Tank" means a watertight tank or receptacle that collects or receives Sewage and is designed and constructed to retain solids, digest organic matter through a period of detention, and allow liquids to discharge into soil outside of the tank, including but not limited to discharges made through a septic drain field or leach field.

18. "Sewage" means a combination of liquid or water-carried Wastes produced by man, animal, or fowl from residences, business buildings, institutions, industrial establishments, agriculture, recreation, and other locations including septic tanks, privy vaults, and cesspools, together with ground, surface, and storm water.

19. "Sewage Disposal System" means any system for the disposal of Sewage including, but not limited to closets, sewers, septic drain fields or leach fields, septic tanks, vault privies, toilets, and Chemical Toilets.

20. "Sewage Holding Tank" means a watertight receptacle which collects or receives Sewage and retains such Wastes until removal and subsequent disposal by scavenger operation.

21. "UCHD" means the Utah County Health Department.

22. "Vault Privy" means any facility wherein the Waste is deposited without flushing, into a vault or receptacle, which is usually installed below ground.

23. "Waste" means, for the purpose of this ordinance, domestic Waste water or Sewage which is normally deposited in or retained for disposal in sewers, septic tanks, Sewage Holding Tanks, Chemical Toilets, or vault privies.

24. "Watercourse" means all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance, and operation of the City's waterworks, and over all streams or sources from which the water is taken within the Watershed Area.

~~"waters of the state" as that term is defined in Utah Code Ann. § 19-5-102, or successor statute; which encompasses all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private that are contained within, flow through, or border upon Utah or any portion of the state; and does not include bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, a public health hazard, or a menace to fish in wildlife.~~

~~24.~~25. ____ "Watershed Area" means the any area or territory occupied by or tributary to ~~American Fork City~~The City of Cedar Hills's waterworks and all Watercourses used in and necessary for the construction, maintenance and operation of the same and over the stream or source from which the water is taken for fifteen (15) miles above the point from which it is taken and for a distance of 300 feet on each side of such stream and over highways along such stream or Watercourse within said 15 miles and said 300 feet.

__.__.__ Jurisdiction, Ordinances ~~Rules~~ and Regulations.

In enacting this Chapter, it is ~~American Fork City~~The City of Cedar Hills's intent to protect its watershed and to assert jurisdiction over the Watershed Area to the maximum extent allowed by federal, state, and county laws and regulations, including but not limited to Utah Code Annotated Section 10-8-15, the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality, and applicable federal laws and regulations governing the administration of federal property within the Watershed Area. Pursuant to Utah Code Annotated Section 10-8-15, the City is hereby authorized to prescribe ordinances~~rules~~ and regulations for governing all matters of water quality within the Watershed Area not contrary to law.

__.__.__ Pollution of Water Sources Prohibited.

It will be unlawful for any person to knowingly cause to be done any of the things prohibited in this Chapter anywhere within any Drinking Water Source Protection Zone and the Watershed Area, provided that no person or entity will be liable for the actions of any third party.

__.__.__ Sewage Disposal System Permit Required.

It will be unlawful to construct, use, maintain, or remodel a Sewage Disposal System anywhere within the Watershed Area without first obtaining a Permit from the City in accordance with this Chapter. At the time of adoption of this Chapter on _____, existing Sewage Disposal Systems that have been fully constructed will be allowed to continue as long as they are not

expanded, become inoperable, or otherwise operated or modified to constitute a threat of contamination to a Drinking Water Source Protection Zone or the Watershed Area.

__.__.__ Permit Applications for Sewage Disposal Systems. All persons or parties seeking to construct, modify, expand, or remodel a Sewage Disposal System within the Watershed Area will submit an application for a Permit to the Director. When submitting applications for a Permit, applicants will provide all relevant information requested by the Director, including but not limited to a description of the proposed location of the Sewage Disposal System, copies of all permits, plans, specifications and drawings required by any other government authority pursuant to applicable laws or ordinances. Permits and plan approvals by other government entities, including county, state, and federal government entities, will not be considered approval by the City but will be considered by the City in evaluating every application; provided that the City will approve or disapprove any applications within a period of thirty (30) calendar days from the date of submission.

__.__.__ Minimum Terms and Conditions for Sewage Disposal System Permits. In approving a Permit application for a Sewage Disposal System, the Director will impose the following minimum terms and conditions on all Sewage Disposal Systems to prevent or mitigate Pollution to a Drinking Water Source Protection Zone or to the Watershed Area:

1. All Permit applicants will comply with Utah Admin. Code R. 317-4 regarding onsite wastewater systems and any other applicable or successor federal, state, county Waste disposal system laws, regulations, and permits in addition to any conditions or requirements that the City may impose pursuant to this Chapter.

2. All approved Sewage Disposal Systems must be emptied completely at least once each year, where applicable, or at a more frequent interval as the Director may reasonably require. If reasonably determined to be a health hazard by the City, Owners of such facilities will keep the level of Sewage below sixty (60) percent of capacity, where applicable, to allow sufficient reserve for emergencies. The contents removed from any Sewage Holding Tank, vault, or similar storage facility must be removed by a licensed scavenger operation at the cost of the Owner.

3. The Owner of the property on which the Sewage Disposal System is located must grant the Public Works Department and its authorized agents the right to enter upon the Owner's property to inspect for violations of the terms and conditions of the Permit.

    a. The City will provide reasonable prior written notice for such inspections unless in the reasonable opinion of the Director an emergency exists which might jeopardize a Drinking Water Source Protection Zone or the Watershed Area.

__.__.__ Permit Exceptions. City Council may only grant an exception for the permit requirements contained in this Chapter if it reasonably determines that compliance with this Chapter is not technically or physically feasible and that the requested exception will not:

    a. Pose a health hazard;

b. Contaminate or threaten to contaminate any Watercourse within the Watershed Area; and

c. Violate Federal, State or County law.

__.__.__ Portable Toilet Permit.

In addition to the requirements of Section _____, permit applications seeking permission to locate a Portable Toilet(s) within the Watershed Area must include the following information:

1. The type and nature of the event requiring the Portable Toilet;

2. The number of Portable Toilets requested; and

3. The beginning and ending dates for when the Portable toilets are needed.

The Director will issue a permit if the Director reasonably determines that the Portable Toilet(s) complies with the minimum requirements of Section _____ and that the Portable Toilet(s):

1. Will comply with all applicable federal, state, and local laws, regulations, and applicable permits, including but not limited to Utah Admin. Code R. 317-4 and R. 392-400, or any applicable successor statute or regulation;

2. Will be removed within five (5) days after the event ends;

2. Toilet paper with a holder should be provided and maintained at all times; and

3. Can be maintained in a sanitary manner pursuant to reasonable terms and conditions that the Director may reasonably require, including but not limited to the frequency of inspections and service.

__.__.__ Vault Privy Permits.

_____In addition to the requirements of Section _____, permit applications to install a Vault Privy must provide a copy of the permit the UCHD has issued for the Vault Privy pursuant to UCHD Health Regulation 17-02, or any applicable successor statute or regulation. The Director will issue a permit for the Vault Privy if the Director reasonably determines that the Vault Privy satisfies the requirements of Section _____ and will:

1. Comply with the terms of the permit issued by the UCHD;

2. Not contaminate or threaten to contaminate any Watercourse; and

3. Comply with all the requirements outlined in Utah Admin R317-560 or any applicable successor statute or regulation.

As a condition for approving a permit for a Vault Privy, the Director will require the applicant to provide toilet paper in the Vault Privy at all times.

___.___.___ Septic Tank and Septic Drain Field Permits

In addition to the requirements of Section _____, permit applications to install a Septic Tank or Septic Drain Field must include a copy of the permit the UCHD has issued for the Septic Tank or Septic Drain Field pursuant to Utah Admin. Code R. 317-4, or any applicable successor statute or regulation.

The Director will issue a permit for the Septic Tank or Septic Drain Field if the Director reasonably determines that the Septic Tank or Drain Field satisfies the requirements of Section _____ and will:

1. Comply with the terms of the permit the UCHD has issued for the septic tank;

2. Service a lot of at least 2,500 square feet; and

3. Not discharge to any natural stream.

__.__.__ Sewage Disposal System Violations. When the Director reasonably determines that a Sewage Disposal System violates the terms of its Permit or otherwise constitutes a threat of contamination to a Drinking Water Source Protection Zone or the Watershed Area, the Director will provide the Owners of the Sewage Disposal System with written notice of the violation or threat of contamination and will give the Owner at least thirty (30) days to correct the violation or hazard, except for violations or threats involving a failure to keep Sewage levels at the appropriate level, in which case a seven (7) day written notice will be provided. If, in the reasonable opinion of the Director, the violation or threat of contamination constitutes an emergency that might jeopardize a Drinking Water Source Protection Zone or a Watershed Area, the Director may impose a shorter period to correct the violation or hazard. In its discretion, the Director may also extend the deadline for compliance if the Owner of the Sewage Disposal System is able to provide a reasonable justification for an extension. If the Owner is unable or unwilling to correct the violation or hazard, the Director may take the following actions, or a combination thereof:

1. Impose civil penalties and remedies pursuant to Sections _____ of this Chapter.

2. Order that a Sewage Disposal System be sealed immediately and prevent its use until the Sewage Disposal Facility conforms to the requirements of the Permit.

3. Order the destruction and removal of the Sewage Disposal System, with the property Owner to bear all costs associated with the destruction and removal of the Sewage Disposal System.

__.__.__ Animal Permits. It will be unlawful to keep or maintain any Animals within the Watershed Area overnight for a period in excess of thirty (30) consecutive days during a calendar year without first obtaining a written Permit from the Public Works Department. Applicants will inform the City of the number and type of animals and their proposed method of controlling and maintaining the animals. The Director will provide notice of any violations of this Section in writing and will give violators at least thirty (30) days to correct the violation, unless the Director reasonably determines that an emergency exists which might jeopardize a Drinking Water Source Protection Zone or the Watershed Area. Violations of this Section will be subject to civil penalties and remedies pursuant to Sections _____ and _____ of this Chapter as well as the removal of the animals from the Watershed Area. The Division will provide all notices of violation.

Nothing in this Chapter will impact existing and valid grazing permits in existence at the time of the adoption of this Chapter on _____, as long as such permits are not modified, expanded, or otherwise constitute a threat of contamination to a Drinking Water Source Protection Zone or the Watershed Area.

__.__.__ Animal Enclosure Permits. It will be unlawful for any person to construct or maintain an Animal Enclosure that will be installed within the Watershed Area for longer than seven (7) days without first obtaining a Permit from the Public Works Department. Applications must provide a description of the proposed Animal Enclosure and its location, as well as the number of Animals that will be kept within the enclosure.

The Director will issue a permit for Animal Enclosure if the Director determines that the Animal Enclosure will not violate established standards or rules for applicable Drinking Water Source Protection Zones and will not constitute a threat of contamination to the Watershed Area.

As a minimum condition for approval, Permits issued pursuant to this Section will require that Animal Enclosures be kept and maintained in a reasonably clean and sanitary condition at all times and will subject to inspection by the City. Permits issued pursuant to this Section will set forth the approved disposal manner for fecal Waste generated in the Animal Enclosure.

The Director will provide notice of any violations of this Section in writing and will give violators at least thirty (30) days to correct the violation, unless the Director reasonably determines that an emergency exists which might jeopardize a Drinking Water Source Protection Zone or the Watershed Area. Violations of this Section will be subject to civil penalties and remedies pursuant to Sections _____ and _____ of this Chapter, as well as the destruction and removal of the Animal enclosure, with the property Owner to bear all costs associated with the destruction and removal of the Animal Enclosure. At the time of adoption of this Chapter on _____, existing Animal Enclosures will be allowed to continue as long as they are not modified, expanded, or otherwise constitute a threat of contamination to a Drinking Water Source Protection Zone or the Watershed Area.

__.__.__ Permit Review Generally. The following provisions will apply to all Permits required by this Chapter:

1. Approval or denial of any Permit application required by this Chapter will be under the direct supervision and control of the Director.

2. The City will provide application forms for the Permits required by this Chapter.

3. The Director will only issue a Permit pursuant to this Chapter if the applicant can demonstrate that the proposed action will not:

    a. Constitute a threat of contamination to the Watershed Area; and

    b. Will not violate established standards or rules for applicable Drinking Water Source Protection Zones, Utah Admin. Code. R. 317-4, the terms of any applicable permits issued by UCHD, and any other applicable federal, state, or local law.

4. The Director will have authority to include reasonable conditions in approved Permits to ensure compliance with applicable standards or rules for Drinking Water Source Protection Zones, Utah Admin. Code. R. 317-4, and the requirements of this Chapter.

5. In the event that the Director denies a Permit application, the Director will provide the applicant with a written explanation of the reason for the denial, and such explanation will be considered a final, appealable order of the City.

__.__.__ General Sewage and Garbage Disposal Requirements.

1. It will be unlawful to:

    a. Throw or break bottles or glass, or deposit garbage, debris, or other deleterious matter of any kind anywhere within the Watershed Area, except into a designated garbage container.

    b. Damage, vandalize, alter, or destroy any authorized Sewage Disposal System in the Watershed Area, except as provided in this Chapter.

    c. Deposit any dead animal or any putrescible matter within the Watershed Area.

    d. Pump Sewage storage vaults or conduct a scavenger operation except in accordance with all applicable Permit conditions, laws, rules, and regulations.

    e. For any person to use or maintain any Sewage Disposal System that the City sealed for violating the provisions of this Chapter.

__.__.__ Vehicles.

It will be unlawful for the purposes of this Chapter for any person to: (1) operate any motor vehicle; (2) upon any public property within the Watershed Area; and (3) in any manner not authorized or otherwise allowed by the appropriate federal, state, county, or other appropriate governmental authority. This provision will not apply to the use of vehicles on real property primarily devoted to agricultural purposes. In no event will a person or entity who owns or leases property within the Watershed Area be responsible or otherwise liable under this Chapter for the actions of third parties who operate motor vehicles on said property.

__.__.__ Posting of Permits. The recipient of any Permits issued pursuant to this Chapter must post a copy of said Permit at the site that is subject to the Permit at all times.

__.__.__ Penalties.

Any person violating any provision of this Ordinance will be guilty of a Class B misdemeanor. Each day the violation continues will constitute a separate offense.

__.__.__ Remedies.

Any person, subdivision, development, and/or land use found to be in violation of this Ordinance will, in addition to other penalties and remedies available in law or equity, be subject to a civil penalty, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of any applicable building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. Civil penalties will be in the amount of $50.00 per day for the first violation. If the same violation occurs on the same property within five (5) years after the initial violation is remedied, a civil penalty in the amount of $100.00 per day will apply. Each day the violation continues will constitute a separate offense.

__.__.__ Appeal.

A Permit required by this Chapter shall be granted as designated by this Chapter. The appeal authority shall be the City Council.

__.__.__ Severability.
Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration will not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid and unconstitutional.

__.__.__ Effective Date.

This Ordinance will take effect and be in force on and after _____.