

MAPLETON CITY COUNCIL MEETING

January 18, 2011

PRESIDING AND CONDUCTING: Mayor Wall

Council Members: Ben Christensen
Mike Cobia
Ryan Farnworth
Jim Lundberg
Mike Nelson

Also Present: David Allen- Finance Controller
Robert Bradshaw- City Administrator
Cory Branch- Planning Director
Camille Brown- City Recorder
Gary Calder-City Engineer
Eric Johnson- City Attorney
Dean Pettersson,-Police Chief

Minutes Recorded by: Camille Brown- City Recorder

CALL TO ORDER: The Mayor called the meeting to order at 7:00 p.m. Cl. Farnworth gave the invocation and Spencer Nelson led the meeting in the Pledge of Allegiance.

OPEN FORUM:

Bill Bleggi presented letters of appreciation to the Mayor, City Council and city staff on behalf of the Senior Citizens for obtaining the grant for the exercise equipment in the gym downstairs in the community center. Mayor Wall accepted the letters and thanked the seniors for their time and dedication to keeping up the gym.

Administrative Reports:

Cory Branch reported that the inventory for new construction of homes has been complete and for 2010 40 new homes have been built. The deadline of December 31, 2010 has been reached for TDR Sending Sites and there may be no more applications for sending sites.

Gary Calder stated that the PI system is still going forward. The widening of Dogwood Dr. has been complete as per the council's direction.

Chief Pettersson reported that the police department received a small grant for equipment in the amount of \$7,500.

Ryan Farnworth reported that the book drop is ready to be put in place. Also, he is concerned with the snow removal on Main Street at 800 West because of children having to walk to school in the road where there is now ice on the sidewalks. The Mayor indicated that this is now being removed by the Parks and Recreation Dept.

Bob Bradshaw inquired of the council about obtaining a draft estimate and concept drawing for proceeding forward with remodeling the former city hall at 35 East Maple Street for the use of

the Parks and Recreation department. The vacated Fire Station premises would be used to store their equipment. The City Council members indicated this would not be a priority at this time.

APPROVAL OF MINUTES

1. Approval of City Council meeting minutes

Motion: Cl. Christensen moved to approve the minutes of the December 14, 2010 City Council meeting

Second: Cl. Nelson seconded the motion.

Vote: Passed 5:0

ACTION ITEMS:

2. Nominations for membership for the Heritage Preservation Committee

Bob Bradshaw, the City Administrator stated that the committee chairman, Philipp Malzl , has nominated for Mayor Walls approval the names of members of the community who would be willing to serve on this committee.

Motion: Cl. Christensen moved to appoint the following citizens to the Heritage Preservation Committee for Mapleton City: Christoph Malzl; Marvin Nelson; Ryan Woodward; Tiffany Woodward and Richard Francis

Second: Cl. Nelson seconded the motion.

Cl. Christensen Aye

Cl. Cobia Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Vote: Passed 5:0

3. Interlocal Cooperation Agreement with Utah County for fire protection to the unincorporated areas of Utah County.

Bob Bradshaw, the City Administrator reported that this agreement is renewed annually and provided for arrangements so that the reimbursement of fees are established when fires and other emergencies occur in and around county property.

Motion: Cl. Nelson moved to approve the renewal of the Interlocal Agreement with Utah County for Fire Protection to the unincorporated areas of Utah County.

Second: Cl. Lundberg seconded the motion.

Cl. Christensen Aye

Cl. Cobia Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Vote: Passed 5:0

4. Amendment to Mapleton City's Flexible Benefits Plan.

The City Administrator, Bob Bradshaw reported that previously the city's flex plan ended on August 31st and this agreement will get the plan in line with the fiscal year.

Motion: Cl. Lundberg moved to approve the resolution for the amendment to Mapleton City's Flexible Benefits plan.

Second: Cl. Nelson seconded the motion.

Cl. Christensen Aye

Cl. Cobia Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Passed: Vote: 5:0

PUBLIC HEARINGS:

5. (Continued from December 14, 2010) Budget Revisions for Fiscal Year 2011

The finance controller, David Allen reported that with the fiscal year half over, a review of the city's revenues and expenditures have indicated that the budget should be reopened to make necessary adjustments. Mr. Allen indicated the changes to the revenues and expenditures that is appended to this report.

The item was opened for a public hearing at 7:40 pm

Sue Roper inquired if there is a reserve fund and how much the total budget is. Dave Allen, the Finance Controller, explained the total budget of \$3,615,000 and the city cannot exceed 18% of the budget in reserves. Not less than 5% can be kept in reserves.

Public hearing closed at 7:44 pm

Motion: Cl. Nelson moved to approve the resolution for the budget revisions for the fiscal year 2010-2011 budget.

Second: Cl. Christensen seconded the motion.

Cl. Christensen Aye

Cl. Cobia Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Vote: Passed: 5:0

Resolution No. 2011-01

6. Amendment to Title 18, Development Code, Part III; Zoning, Chapter 18.30, CE-1 (Critical Environment) Zone, in order to amend the provisions as it relates to slope protection, grading, filling, plowing, or excavating within the CE-1 zone.

Cory Branch, the Planning Director indicated that this item was going to take more time to prepare and asked for it to be withdrawn from the agenda.

Motion: Cl. Lundberg moved to withdraw the item from the agenda.

Second: Cl. Nelson seconded the motion.

Cl. Christensen Aye

Cl. Cobia Aye
Cl. Farnworth Aye
Cl. Lundberg Aye
Cl. Nelson Aye
Vote: Passed 5:0

7. Amendment to Title 18, Development Code, Part III; Zoning, Chapter 18.32, RA-1 (Residential Agricultural) Zone

Cory Branch, the Planning Director reported that the city is requesting these changes with the RA-1 zone to allow more flexibility with the minimum lot size and clustering of homes. There has been recommended text by the staff and this item was continued at the request of the affected landowners from the December 14th meeting to allow more time for staff to work on this item with the landowners. On December 9th the Planning Commission recommended approval of the proposed text.

The Mayor opened the meeting for public hearing.

The public hearing was closed at 8:47 pm

Motion: Cl. Christensen moved to approve the amendments to the RA 1 zone as written with following changes:

18.32.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

Each lot or parcel of property in the RA-1 zone shall meet all of the following requirements:

A. Lot Size And Area Per Dwelling: The minimum lot size in the RA-1 zone shall be not less than one acre or forty three thousand five hundred sixty (43,560) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the RA-1 zone.

B. Lot Width: Each lot or parcel of land in the RA-1 zone shall have a width of at least one hundred twenty five feet (125').

C. Front Yard Requirements: No home shall have a front yard of less than thirty feet (30') measured from the front property line or the right of way to the foundation of the home.

D. Rear Yard Requirements: No home shall have a rear yard of less than twenty five feet (25') measured from the rear property line to the foundation of the home.

~~E.~~ Side Yard: Each lot or parcel of land in the RA-1 zone shall have a side yard of not less than ten feet (10').

~~F.~~ Side Yard; Corner Lots: Lots having frontage contiguous to a street shall not be less than thirty feet (30') as measured for the front yard setback.

FG. Accessory Buildings: Accessory buildings may be located no closer than three feet (3') of a property line. Buildings with fire rated walls, built to the standards outlined in the international residential building code (IRC) may be placed up to the property line. However, in no case shall an accessory building exceed twelve feet (12') in height within ten feet (10') of the required setback area. All roof drainage shall be directed away from any adjacent property lines, and shall be drained to the property wherein the building is located. Accessory buildings shall not exceed thirty five feet (35') in height.

H. Standard Setbacks Based on Geotechnical Information:

1. Notwithstanding the setback requirements set forth in this section of this Code, the City Council, upon the recommendation of the City Engineer or the Planning Commission, may require a greater setback on a lot or group of lots or proposed lot or group of lots based on geotechnical information and engineering plans.

2. In lieu of Chapter 16.04, Board of Adjustment, Mapleton City Code, any person adversely affected by the City Council's decision administering or establishing the setbacks based on geotechnical information, may within thirty (30) days of the City Council's decision, appeal that decision to the appeal authority as outlined in Utah Code Section 10-9a-703.

GI. Projections Into Yards: The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with this code and approval by the planning and zoning director. Other city codes or ordinance also apply.
2. Landscape elements including trees, shrubs, agricultural crops, and other plants.
3. Necessary appurtenances for utility service.
4. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'):
 - a. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
 - b. Fireplace structures and bays, provided that they are not wider than eight feet (8') measured generally parallel to the wall of which they are a part.
 - c. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty four inches (24") in height.
 - d. Porte cochere over a driveway in a side yard, providing such structure is not more than one story in height and twenty four feet (24') in length, and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.

HJ. Building Height: No lot or parcel of land in the RA-1 zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of thirty feet (30') measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, or from top of the curb (if present) or the middle point of the street directly in front of the home. If the home is located further than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.

K. Permissible Lot Coverage: All buildings, including accessory buildings and structures, shall cover not more than thirty five percent (35%) of the area of the lot or parcel of land.

18.32.055: CLUSTERING OF SINGLE FAMILY DETACHED DWELLINGS:

A. Purpose: The purpose of clustering within the RA-1 zone is to protect and preserve open space, encourage imaginative and efficient utilization of land, develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. Clustering also offers the developer some flexibility in addressing land development issues. These provisions are intended to create more attractive and desirable environments within the residential areas of Mapleton City.

B. Overall Size Requirement: The minimum overall size requirement for any development utilizing clustering within the RA-1 zone is no less than fifty (50) acres. If the development utilizing clustering contains more than one zone a minimum of fifty (50) acres shall be located in the RA-1 zone portion of the development.

C. Project Density: The maximum project density allowed for any development utilizing clustering is one (1) single family dwelling unit per acre within the RA-1 zone, excluding street rights-of-way.

D. Lot Size Requirement: The minimum lot size requirement for any development utilizing clustering shall be no less than twenty one thousand (21,000) square feet. If the lot contains more than one zone a minimum of twenty one thousand (21,000) square feet shall be located in the RA-1 zone portion of the lot. Not more than one single family dwelling may be placed on a lot or parcel of land in the RA-1 zone.

E. Setbacks: Any development utilizing clustering shall meet any setbacks, as provided under section 18.32.050 of this chapter.

F. Open Space: Within a development utilizing clustering any open space lots may be owned and maintained either privately or by a home owner's association.

G. TDR: A development in the RA-1 zone utilizing clustering under this section is not a TDR -Receiving site.

Second: Cl. Cobia seconded the motion.

Cl. Christensen Aye

Cl. Cobia Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Vote: Passed 5:0

Ordinance No. 2011-01

8. (Continued from December 14, 2010) Mapleton City requests a rezone of approximately 60 acres from CE-1 (Critical Environment) to RA-1 (Residential Agricultural) on property located generally at 2000 East Maple Street.

Cory Branch, Planning Director stated that on November 2, 2010 the citizens of Mapleton voted to overturn the PD-2 zone back to the CE-1 zone. Part of the settlement agreement dated May 15, 2007 required the city to rezone the property of 60 +/- acres to another zone other than the CE-1 zone. This zone could be comparable to the RA-1 zone with clustering of the homes to allow 47 units within the acreage.

This item went before the city council on December 14th. After an extensive discussion the City Council decided to continue the item to tonight so that staff could conduct a further study on this property and meet with the property owner and his engineers.

There was a lengthy discussion about how this item could be settled and what conditions would be contingent upon this zone. Dr. Gibby stated that berms have been built for a detention basin for any potential water issues. He further agreed that there are areas in which a home cannot be built in the development. If conditions change with this property, Dr. Gibby will mitigate the circumstances and excavate the property.

The public hearing was opened at 9:25 p.m.

Wendell Gibby stated that this property has had extensive geo technical reports conducted on it and stated that the subject tonight seems to be regarding setbacks and 30 percent versus 30 degrees. He stated that he thinks the 30% slope requirement of the CE-1 zone is too strict and would like to compromise and get this litigation stopped.

Councilmember Lundberg asked Dr. Gibby if this was an offer to settle and he answered yes. Dr. Gibby did state that the Roundy stub is still a potential problem, but this could be worked through.

Sallie Korman stated that she would like to see this issue get resolved. She is disappointed the way the council has acted toward one another. There is no need to be unprofessional and it would be nice to get this never ending saga over and done with, but she believes there needs to be civility to get this done.

Public hearing closed at 10:15 p.m.

Motion: Cl. Nelson moved to close the regular meeting and open a closed meeting pursuant to U.C.A. §52-4-205 for the discussion of pending or reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated.
Second: Cl. Farnworth seconded the motion
Vote: Passed unanimously

The Council resumed the open session at 10:25 p.m.

Motion: Cl. Christensen moved to approve the rezone of 60 +/- acres as per staff recommendation that we have tonight, but with a condition that if Wendell Gibby signs an amendment to the MOU within the next 7 days that its consistent with his

verbal offer of compromise made on the record tonight then the RA-1 zone will include the additional property included in Wendell's rezone proposal with an exception that the large drainage portion on the west side of the property remain CE-1 zone in accordance with the staff recommendation.

Second: Cl. Cobia seconded the motion

Cl. Christensen Aye

Cl. Cobia Aye

Cl. Farnworth Aye

Cl. Lundberg Nay

Cl. Nelson Aye

Vote: Passed 4:1

Ordinance No. 2011-02

Findings of Fact

Motion: Cl. Cobia moved to adopt the following Findings of Fact for the record.

Second: Cl. Nelson seconded the motion

NOW THEREFORE, the Mapleton City Council hereby makes the following findings of fact with respect to the proposed text amendments to the RA-1 zone and their application to approximately 60 acres of the Gibby Property.

1. The City Council finds that the proposed text amendment to the RA-1 zone will allow clustering consistent with the Settlement Agreement.
2. The Mapleton City staff with the assistance of outside consulting engineers have studied whether the proposed rezone of the Gibby Property with the revised RA-1 text, including clustering, would enable the Gibby Parties to develop 47 residential units within the rezoned area. Based on staff's report and drawings submitted to the City Council by Dr. Gibby or his agents, including maps, the City Council finds that rezoning of approximately 60 acres of the Gibby Property will enable the Gibby Parties to develop at least 47 residential units within the area proposed to be rezoned.
3. The City Council finds that the area proposed for rezone contains limited areas with slopes exceeding 30%.
4. The City Council further finds that the limited areas with slopes exceeding 30% within the approximately 60 acres proposed for rezone are generally either completely surrounded by areas with less than 30% slope or otherwise are not part of the primary drainage from Maple Mountain and therefore concerns with debris flow and other hazards related to steep slopes are less within the area proposed for rezone.
5. The City Council finds that areas with slopes of 30% or greater in the CE-1 zone are distinct and different from other areas within the City which may have slopes of 30%

or greater because of the long steep grades on the Wasatch Mountains both within the City boundaries and to the east of the City, which increase concern regarding debris flow and landslides, etc. In addition, the City Council finds that the presence of fault lines within the CE-1 zone also renders areas within that zone distinct and different from other areas within the City which may have slopes of 30% or greater. The City Council notes that most of the areas within the CE-1 zone contain one or more hazards as listed on the Utah County Hazards Maps.

Vote: **Passed 5:0**

Motion: Cl. Christensen moved to adjourn the meeting.

Second: Cl. Nelson seconded the motion

Vote: Passed unanimously

Meeting adjourned 11:15 p.m.

/s/ Camille Brown, City Recorder

APPROVED: February 15, 2011