

City Council Staff Report

February 3, 2015

Applicant: Mapleton City

Location: City-wide

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: No

Zone: A-2, RA-1, RA-2, R-1-
B, & R-2

Attachments:

1. Proposed Ordinance.
2. CC Minutes dated
11/18/14.

REQUEST

Consideration of an ordinance amending Mapleton City Code (MCC) chapters 18.28.050, 18.32.050, 18.32.055, 18.36.060, 18.44.050, and 18.48.050. The proposed ordinance would allow for new subdivisions to utilize an average density standard in the A-2, RA-1, RA-2, R-1-B, and R-2 zones under specific circumstances.

BACKGROUND AND PROJECT DESCRIPTION

Mapleton City is divided up into several different development zones. Each residential zone has a maximum density allowance that is governed by a minimum lot size and a minimum frontage width on a city road. For example, the A-2 zone requires a minimum lot size of two acres per lot with at least 200 feet of frontage on a city road.

On November 18, 2014 staff presented an ordinance to the City Council that would allow the use of average density (cluster) standards by-right in the A-2, RA-1, RA-2, R-1-B and R-2 zones. The Council was generally supportive of the concept of allowing average density standards in certain situations, but was uncomfortable allowing them by-right for every development. The proposed ordinance has been amended based on Council's concerns and would allow average density standards **only when** at least one of the following findings can be made:

- 1. The clustering of lots will allow for the protection of sensitive lands from development such as a flood plain, wetlands, a hillside, or other important geologic or ecologic features;*
- 2. The clustering of lots is necessary to avoid irregularly shaped, or undesirable lot configurations that otherwise would be created without clustering;*
- 3. The clustering of lots allows for the inclusion of dedicated open space as part of the subdivision. If this is the basis for allowing the cluster option, the land use authority shall determine that the open space is a valuable community asset and that there is a viable plan for ownership and maintenance; and/or*
- 4. The land use authority determines that the clustering of lots will result in a superior project when compared to a conventional approach to the project, and that the project is compatible with the surrounding developments.*

The table below summarizes the proposed average density standards that are described in attachment “1”.

Zone	Unit per Acre	Avg. Density (yes or no)	Min. Lot Size	Avg. Lot Size	Min. Width
A-2	1 unit per 2 acres	Yes	¾ acre	2 acres	125’ – 200’
RA-1	1 unit per acre	Yes	½ acre	1 acre	100’ – 125’
RA-2	3 units per acre	Yes	¼ acre	1/3 acre	80’ – 100’
R-1-B	3 units per acre	Yes	¼ acre	1/3 acre	80’ – 100’
R-2	4 units per acre	Yes	6,000 sq. ft.	¼ acre	60’ - 80’

It should be noted that the City already allows for clustering in the RA-1, PRC, PD, SDP and PRD zones. However, in each of these zones a minimum project site of between 15 and 100 acres is required. The proposed ordinance would allow for the same flexibility on smaller parcels and without the need to go through a rezone process. Some of the subdivisions that have used the clustering or average density concept within the City include the Eagle Rock subdivisions (Dogwood Drive & 1200 E), Park Meadows (Park Meadows Dr. & 1200 W), South Hollow (South Hollow Dr. & Slant Rd), Wing Point (680 W & Maple) Harvest Park (Harvest Prky Way & HWY 89) and Silver Leaf (580 S & Mt. View Dr).

EVALUATION

General Plan: The proposed ordinance is meant to implement the following goal and policies of the General Plan:

Goal #9: Encourage the clustered concept of city planning and development.

Policy 9D: Encourage clustered subdivisions.

Policy 9F: Encourage clustering of residential units on non-environmentally sensitive portions of parcels and the use of dedications, transfers of development rights, and money-in-lieu of dedication to achieve on-and off-site environmental, open space, corridor and conservancy objectives.

City Discretion: The proposed ordinance eliminates the previously proposed by-right allowance for utilizing average density or clustered subdivisions. The proposed ordinance outlines instances where average density provisions may be appropriate and allows the City to determine whether average density standards are appropriate for a particular development.

Some of the benefits of allowing for average density or clustered subdivisions under certain circumstances include the following:

- 1) *Diversity of lot sizes:* The proposed amendments would allow for a diversity of lot sizes, and likely home sizes, within a subdivision. This would also allow for a subdivision to market to a broader range of potential buyers and provide more choices within a development.

- 2) *Address natural features:* Allowing a diversity of lot sizes allows a developer to address unique natural features in a more appropriate way. For example, if a portion of a site includes sensitive features such as a flood plain, a wetland, or a hill side, smaller lots could be designed to avoid these features rather than applying a standard minimum lot size without regards to natural conditions.
- 3) *Address unique property boundaries:* Occasionally when properties are subdivided, irregularly shaped lots are created in order to comply with the minimum lot size. Allowing more flexibility will reduce the likelihood of irregular lots.
- 4) *Encourage the incorporation of open space:* One way to achieve an average density requirement with smaller lots is to include dedicated open space. Examples of this concept include the Eagle Rock subdivisions, the Wing Point subdivision and the Silver Leaf subdivision.

The following examples show how a 20-acre parcel in the RA-1 zone (1 unit per acre density) could be developed under the current ordinance and under the proposed average density provisions.

- 1) *Under current ordinance:* 20 one-acre lots of roughly equal size.
- 2) *Under proposed ordinance with no dedicated open space:* One scenario could include a mix of lots sizes such as 8 half-acre lots, 4 one-acre lots and 8 one and a half-acre lots.
- 3) *Under proposed ordinance with dedicated open space:* Another scenario could include 20 half-acre lots plus 10 acres of dedicated open space (park, trail, wetlands preservation or other open space amenity).

In all three scenarios, the density of 20 units doesn't change. However, the average density provisions allow for more flexibility, creativity and better land use planning. Again, the City will have the discretion to determine if and when an average density approach may be used.

Impact on TDRs: One concern raised during the previous City Council meeting was whether allowing average density or clustering would devalue TDRs or limit their use. In staff's opinion, the proposed ordinance would not devalue TDRs for the following reasons:

- The primary benefit of a TDR is the ability to increase the number of lots allowed on a site. This will not change with the proposed ordinance.
- Small parcels will still need TDRs to create lots smaller than the minimum lot size. For example, an owner of a one acre parcel in the RA-1 zone that wants to create two ½ acre lots must use a TDR to do so. The average density standards do not allow for a density increase and therefore would not apply to a one acre parcel in a zone that requires a density of one unit per acre.

- On larger sites, the proposed average density standards would allow for the creation of smaller lots, but only if larger lots were also included so that the average of all lots meets the density standards of the zone. Therefore, if it was a developers desire to only develop smaller lots, TDRs would still be the way to develop a property.

STAFF RECCOMENDATION

Adopt the attached ordinance.

ORDINANCE NO. 2015-

CONSIDERATION OF AN ORDINANCE AMENDING MAPLETON CITY CODE (MCC) CHAPTERS 18.28.050, 18.32.050, 18.32.055, 18.36.060, 18.44.050, AND 18.48.050. THE PROPOSED ORDINANCE WOULD ALLOW FOR MORE FLEXIBILITY IN THE MINIMUM LOT SIZES FOR NEW RESIDENTIAL SUBDIVISIONS IN THE A-2, RA-1, RA-2, R-1-B, AND R-2 ZONES WHILE MAINTAINING THE DENSITY REQUIREMENTS THAT ALREADY EXIST IN THESE ZONES.

WHEREAS, Goal 9 and policies 9D and 9F of the Land Use Element of the General Plan encourage the clustered concept of subdivision development; and

WHEREAS, MCC Title 18 constitutes the City's zoning ordinance; and

WHEREAS, Title 18 divides the City into various zoning districts and establishes development requirements for each of these districts; and

WHEREAS, the proposed ordinance amends various zoning districts to allow densities to be based on average lot sizes; and

WHEREAS, the proposed amendments will allow for a diversity of lot sizes, the ability to address unique lot configurations and natural features, and the protection of open space.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend Mapleton City Code Chapters 18.28.050, 18.32.050, 18.32.055, 18.36.060, 18.44.050, and 18.48.050 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 3rd Day of February, 2015.

Brian Wall
Mayor

ATTEST:

Camille Brown
City Recorder

Publication Date:
Effective Date:

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

Each lot or parcel of property in the **A-2 zone** shall meet all of the following requirements:

- A. Lot Size And Area Per Dwelling: The minimum lot size in the A-2 zone shall be not less than two (2) acres or eighty seven thousand one hundred twenty (87,120) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the A-2 zone. When part of a TDR receiving site, the minimum lot size shall not be less than one acre or forty three thousand five hundred sixty (43,560) square feet.
- B. Lot Width: Each lot or parcel of land in the A-2 zone shall have a minimum width of at least two hundred feet (200'). When part of a TDR receiving site, each lot or parcel shall have a minimum width of one hundred twenty five feet (125').
- C. Cluster Option: The land use authority may allow new subdivisions to utilize the cluster development standards outlined in subsection (D) if it finds that:
1. The clustering of lots will allow for the protection of sensitive lands from development such as a flood plain, wetlands, a hillside, or other important geologic or ecologic features;
 2. The clustering of lots is necessary to avoid irregularly shaped, or undesirable lot configurations that otherwise would be created without clustering;
 3. The clustering of lots allows for the inclusion of dedicated open space as part of the subdivision. If this is the basis for allowing the cluster option, the land use authority shall determine that the open space is a valuable community asset and that there is a viable plan for ownership and maintenance; and/or
 4. The land use authority determines that the clustering of lots will result in a superior project when compared to a conventional approach to the project, and that the project is compatible with the surrounding developments.
- D. Cluster development standards: Cluster subdivision development in the A-2 zone shall require an average density not to exceed one unit per two (2) acres. Lots may be as small as ¾ acre (32,670 square feet) provided that the average density of all of the lots included in the subdivision equal a maximum of one (1) unit per two (2) acres including any dedicated open space, but not including any required right-of-way dedications. For projects that include multiple phases, each phase must comply with the average density requirement.
1. Transferable Development Rights (TDR) with Cluster Option: When part of a TDR receiving site, density may be increased by one additional lot per TDR certificate. However, at no time shall the density exceed double the base density. By way of example, assume a 10 acre site in the A-2 zone was allowed five lots, or a density of .5 units per acre. If an applicant provided three (3) TDRs the density could be increased to 8 lots, or .8 units per acre.
 2. Lot Width with Cluster Option: Lots of two (2) acres or more shall have a minimum width and frontage of two hundred (200) feet. Lots less than two (2) acres shall have a minimum width and frontage of one hundred and twenty five (125) feet.

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. When part of a TDR receiving site, the minimum lot size shall not be less than one-half ($\frac{1}{2}$) acre or twenty one thousand seven hundred eighty (21,780) square feet.
- 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'). When part of a TDR receiving site, each lot or parcel shall have a width of at least one hundred feet (100'). (Ord. 2013-03, 1-15-2013, eff. 2-7-2013)
- C. Cluster Option: The land use authority may allow new subdivisions to utilize the cluster development standards outlined in subsection (D) if it finds that:
1. The clustering of lots will allow for the protection of sensitive lands from development such as a flood plain, wetlands, a hillside, or other important geologic or ecologic features;
 2. The clustering of lots is necessary to avoid irregularly shaped, or undesirable lot configurations that otherwise would be created without clustering;
 3. The clustering of lots allows for the inclusion of dedicated open space as part of the subdivision. If this is the basis for allowing the cluster option, the land use authority shall determine that the open space is a valuable community asset and that there is a viable plan for ownership and maintenance; and/or
 4. The land use authority determines that the clustering of lots will result in a superior project when compared to a conventional approach to the project, and that the project is compatible with the surrounding developments.
- D. Cluster Development Standards: Cluster subdivision development in the RA-1 zone shall require an average density not to exceed one (1) unit per acre. Lots may be as small as 1/2 acre (21,780 square feet) provided that the average density of all of the lots included in the subdivision equal a maximum of one (1) unit per acre, including any dedicated open space, but not including any required right-of-way dedications. For projects that include multiple phases, each phase must comply with the average density requirement.
1. Transferable Development Rights (TDR): When part of a TDR receiving site, density may be increased by one additional lot per TDR certificate. However, at no time shall the density exceed double the base density. By way of example, assume a 5 acre site in the RA-1 zone was allowed five lots, or a density of 1 unit per acre. If an applicant provided three (3) TDRs the density could be increased to 8 lots, or 1.6 units per acre.
 2. Lot Width with Cluster Option: Lots larger than $\frac{1}{2}$ acre shall have a minimum width and frontage of one hundred and twenty five (125) feet. Lots of $\frac{1}{2}$ acre or smaller shall have a minimum width and frontage of one hundred (100) feet.

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 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 homeowners' association.
- G. TDR: A development in the RA-1 zone utilizing clustering under this section is not a TDR receiving site. (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

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

Each lot or parcel of property in the **RA-2** zone shall meet all of the following requirements:

- A. Lot Size And Area Per Dwelling: The minimum lot size in the RA-2 zone shall be not less than fourteen thousand five hundred (14,500) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the RA-2 zone.
- B. Lot Width: Each lot or parcel of land in the RA-2 zone shall have an average width of at least one hundred feet (100').
- C. Cluster Option: The land use authority may allow new subdivisions to utilize the cluster development standards outlined in subsection (D) if it finds that:

1. The clustering of lots will allow for the protection of sensitive lands from development such as a flood plain, wetlands, a hillside, or other important geologic or ecologic features;

2. The clustering of lots is necessary to avoid irregularly shaped, or undesirable lot configurations that otherwise would be created without clustering;

3. The clustering of lots allows for the inclusion of dedicated open space as part of the subdivision. If this is the basis for allowing the cluster option, the land use authority shall determine that the open space is a valuable community asset and that there is a viable plan for ownership and maintenance; and/or

4. The land use authority determines that the clustering of lots will result in a superior project when compared to a conventional approach to the project, and that the project is compatible with the surrounding developments.

D. Cluster Development Standards: Cluster subdivision development in the RA-2 zone shall require an average density not to exceed three (3) units per acre. Lots may be as small as ten thousand (10,000) square feet provided that the average density of all of the lots included in the subdivision equal a maximum of three (3) units per acre, including any dedicated open space, but not including any required right-of-way dedications. For projects that include multiple phases, each phase must comply with the average density requirement.

1. Lot Width with Cluster Option: Lots of fourteen thousand five hundred (14,500) square feet or larger shall have a minimum width and frontage of one hundred (100) feet. Lots smaller than fourteen thousand five hundred (14,500) square feet shall have a minimum width and frontage of eighty (80) feet.

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

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

A. Lot Size And Area Per Dwelling: The minimum lot size in the R-1-B zone shall be not less than fourteen thousand five hundred (14,500) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the R-1-B zone.

B. Lot Width: Each lot or parcel of land in the R-1-B zone shall have an average width of at least eighty feet (80').

C. Cluster Option: The land use authority may allow new subdivisions to utilize the cluster development standards outlined in subsection (D) if it finds that:

1. The clustering of lots will allow for the protection of sensitive lands from development such as a flood plain, wetlands, a hillside, or other important geologic or ecologic features;

2. The clustering of lots is necessary to avoid irregularly shaped, or undesirable lot configurations that otherwise would be created without clustering;

3. The clustering of lots allows for the inclusion of dedicated open space as part of the subdivision. If this is the basis for allowing the cluster option, the land use authority shall

determine that the open space is a valuable community asset and that there is a viable plan for ownership and maintenance; and/or

4. The land use authority determines that the clustering of lots will result in a superior project when compared to a conventional approach to the project, and that the project is compatible with the surrounding developments.

D. Cluster Development Standards: Cluster subdivision development in the R-1-B zone shall require an average density not to exceed three (3) units per acre. Lots may be as small as ten thousand (10,000) square feet provided that the average density of all of the lots included in the subdivision equal a maximum of three (3) units per acre, including any dedicated open space, but not including any required right-of-way dedications. For projects that include multiple phases, each phase must comply with the average density requirement.

1. Lot Width with Cluster Option: Lots of fourteen thousand five hundred (14,500) square feet or larger shall have a minimum width and frontage of one hundred (100) feet. Lots smaller than fourteen thousand five hundred (14,500) square feet shall have a minimum width and frontage of eighty (80) feet.

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

Each lot or parcel of property in the **R-2 zone** shall meet all of the following requirements:

A. Lot Size And Area Per Dwelling: The minimum lot size in the R-2 zone shall be not less than ten thousand (10,000) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the R-2 zone.

B. Lot Width: Each lot or parcel of land in the R-2 zone shall have an average width of at least eighty feet (80').

C. Cluster Option: The land use authority may allow new subdivisions to utilize the cluster development standards outlined in subsection (D) if it finds that:

1. The clustering of lots will allow for the protection of sensitive lands from development such as a flood plain, wetlands, a hillside, or other important geologic or ecologic features;

2. The clustering of lots is necessary to avoid irregularly shaped, or undesirable lot configurations that otherwise would be created without clustering;

3. The clustering of lots allows for the inclusion of dedicated open space as part of the subdivision. If this is the basis for allowing the cluster option, the land use authority shall determine that the open space is a valuable community asset and that there is a viable plan for ownership and maintenance; and/or

4. The land use authority determines that the clustering of lots will result in a superior project when compared to a conventional approach to the project, and that the project is compatible with the surrounding developments.

D. Cluster Development Standards: Cluster subdivision development in the R-2 zone shall require an average density not to exceed four (4) units per acre. Lots may be as small as six thousand

(6,000) square feet provided that the average density of all of the lots included in the subdivision equal a maximum of four (4) units per acre, including any dedicated open space, but not including any required right-of-way dedications. For projects that include multiple phases, each phase must comply with the average density requirement.

1. Lot Width with Cluster Option: Lots of ten thousand (10,000) square feet or larger shall have a minimum width and frontage of eighty (80) feet. Lots smaller than ten thousand (10,000) square feet shall have a minimum width and frontage of eighty (60) feet.

**MAPLETON CITY
CITY COUNCIL MINUTES
NOVEMBER 18, 2014**

PRESIDING AND CONDUCTING: Mayor Brian Wall

Members in Attendance: Ryan Farnworth
Scott Hansen
Jim Lundberg
Mike Nelson
Jonathan Reid

Staff in Attendance: Cory Branch, City Administrator
Gary Calder, Public Works Director/City Engineer
Stacey Child, Parks and Recreation Director
Sean Conroy, Community Development Director
Debbie Sanchez, Finance Director

Minutes Taken by: Camille Brown

Mayor Wall called the meeting to order at 7:00 pm Cl. Reid gave the invocation and Cl. Hansen led the Pledge of Allegiance.

OPEN FORUM: No comments were made

The Agenda Items were not heard in the same order as shown below:

Item 1. Approval of City Council Meeting Minutes –October 21, 2014

Motion: Cl. Hansen moved to approve the October 21, 2014 City Council Minutes with the change of Cl. Hansen on line 63 to Cl. Nelson.

Second: Cl. Lundberg seconded the motion.

Vote: Passed 5:0

ACTION ITEMS:

Item 2. Presentation of FY 2013-2014 Audit Report.

Debbie Sanchez, Finance Director, reviewed the staff report for those in attendance.

The Auditor, Greg Ogden reviewed the audit with the council. He stated that as a whole, the city is in good financial standing. He explained that one of the requirements is that cities and towns are to draft their own financial statements. The other write up was that the city council must receive financial statements regularly, and a city the size of Mapleton should be receiving them at least monthly, so wise financial decisions can be made. Staff has been made aware of this and from now on the council will be given these monthly. The council members asked clarifying questions of Mr. Ogden.

Motion: Cl. Nelson moved to accept the FY 2013-2014 Audit Report prepared by Greg Ogden

Second: Cl. Farnworth seconded the motion.

Cl. Farnworth	Aye
Cl. Lundberg	Aye
Cl. Hansen	Aye
Cl. Reid	Aye
Cl. Nelson	Aye
Vote:	Passed 5:0

Item 3. Consideration to approve Mapleton City to surplus or retain the City Youth Tackle Football Equipment.

Stacey Child, Parks and Recreation Director reviewed the staff report for those in attendance. She would like direction as to what the council would like to do with the Youth Tackle Football equipment that the city still has. This equipment is being stored and there are a few options as to what to do with the equipment. It can be surplused or the city can retain this for one to two more years. Most of the equipment can be kept without it getting old, but the helmets do have to be replaced at 3-5 years. Mayor Wall stated that the cost to replace this equipment is very high and if it is not taking up space then he would suggest keeping the equipment for a few more years. Cl. Hansen inquired where Mapleton High School is sponsoring the program now, what equipment are they using. It was stated that it is Utah Valley Football League equipment. Cl. Nelson stated that he was at a committee meeting last week and other cities have no desire to go back to the Nebo League or city league. He thinks the equipment should be surplused. There is not enough interest to run two programs. Cl. Farnworth stated that it may be an option to extend the age of flag football participants. Cl. Hansen asked if the money could be used for other programs and Stacey stated definitely.

Motion: Cl. Nelson moved to approve Mapleton City surplus the Youth Tackle Football Equipment based on the minimum bids and according to the lots.

Second: Cl. Farnworth seconded the motion.

Cl. Lundberg	Aye
Cl. Hansen	Nay
Cl. Reid	Aye
Cl. Nelson	Aye
Cl. Farnworth	Aye
Vote:	Passed 4:1

Item 4. Consideration to approve a Franchise Agreement between Mapleton City and Central Telcom Services, LLC, DBA Centra Com Interactive in order to install telecommunication infrastructure within the city

Cory Branch, City Administrator reviewed the staff report for those in attendance. The applicant is not able to be here and they are requesting a continuance. The school district has given them until this coming spring to get the line in. This company is very well known within the school district. Cl. Hansen wanted to understand what the fee is or is it a tax. Debbie Sanchez stated that this is something that is automatically passed onto the city. Cory will continue to work with the attorney of the applicant and let the council know when they are ready to proceed.

Cl. Lundberg suggested that in the insurance indemnification section, he would like a defined amount instead of it reading adequate.

Motion: Cl. Hansen moved to continue the item for a Franchise Agreement between Mapleton City and Central Telcom Services, LLC, DBA Centra Com Interactive in order to install telecommunication infrastructure within the city until such time that Central Telcom is ready to proceed.

Second: Cl. Nelson seconded the motion.
 Cl. Hansen Aye
 Cl. Reid Aye
 Cl. Nelson Aye
 Cl. Farnworth Aye
 Cl. Lundberg Aye
Vote: Passed 5:0

Item 5. Consideration to approve a License Agreement between the United States of America and Mapleton City in order for Mapleton City to access their existing city well from a portion of land owned by the United States.

Cory Branch, City Administrator, reviewed the staff report for those in attendance. He turned the time over to Gary Calder for the review. Gary stated that this request pertains to the well on 1600 North near the Chris Cannon’s residence. The city has not had legal access to this well. The city was able to obtain an easement from Chris Cannon for access to the well in the event that this access point was not going to be able to be obtained. In the event that this is approved, there will be 2 points of access and one will have a hard surface point. This agreement was drawn up through the permit office of the Department of Interior and was going to cost \$3500, but when it was explained that access has always been in place, and the city maintains the area, a charge was not required.

Motion: Cl. Lundberg moved to accept the License Agreement between the United States of America and Mapleton City in order for Mapleton City to access their existing city well from a portion of land owned by the United States.

Second: Cl. Nelson seconded the motion.
 Cl. Reid Aye
 Cl. Farnworth Aye
 Cl. Nelson Aye
 Cl. Hansen Aye
 Cl. Lundberg Aye
Vote: Passed 5:0

Item 6. Consideration by AT&T Mobility to modify the existing cell site Lease Agreement for property located generally at 450 West 3100 South.

Cory Branch, City Administrator, reviewed the staff report for those in attendance. On September 14, 2005 the city entered into a lease agreement with Cingular Wireless currently known as AT&T at the site adjacent to Mayor Dean Allan’s home and the Westwood Tank. The agreement is in the first extension term which ends in September of 2015. The agreement does allow for an automatic renewal of three additional five year terms which would end September of 2030. AT&T contacted the city stating they were studying the site and with newer technology they believe that they are paying the city too much and are proposing to modify the existing agreement. The letter that the city received proposes two options: First, the city could secure a longer term lease with a new annual lease amount starting at \$6,600 commencing on January 1, 2015 with a 7.5% rent increase every 5 years and the second option would be a one-time lump sum payment to the city of \$70,000 in return the city will grant a 99 year easement on the property. Currently the city is receiving \$9,675 which is a loss of \$3,075 a year. As each extension comes and goes they could end the agreement at any time. The Mayor stated that there is a lot of infrastructure on that one site and it is most likely they are not going to move the tower. The next renewal is September 2015 and they could renew or could pull out at that time. Cl. Nelson inquired if there was still any interest about having a cell tower on the north east side of town and Sean stated that they have not heard anything further. Cl. Hansen stated that he

would be against accepting the lower amount without making other concessions, he does not think they will leave the site. Next year, the lease agreement goes up to \$10,452. Cory stated that they need to know by Thanksgiving because they have some decisions to make. The Mayor suggested to wait until next year and then negotiate.

Motion: Cl. Nelson moved to turn down the offer of the Lease Agreement for property located generally at 450 West 3100 South.

Second: Cl. Hansen seconded the motion.

Cl. Nelson Aye

Cl. Farnworth Aye

Cl. Lundberg Nay

Cl. Hansen Aye

Cl. Reid Aye

Vote: Passed 4:1

DISCUSSION ITEM:

Item 7. The purpose of this item is to discuss potential options for a future cemetery to be located within Mapleton City.

Cory Branch, City Administrator, reviewed the staff report for those in attendance. The purpose of this item is to discuss the finding from the geotechnical report. Gary Calder reported that he has received the report from IGES and verify that the company has dug test pits at 580 West Maple Street. Gary had an unrelated meeting with Mapleton Irrigation who advised him that there were two drains at this site and several other older drains along Maple Street. Gary did go out and do a site visit and observed the irrigation drains.

This is a very old system, and you can tell that there has not been a lot of water through the system. He further stated that there has been a lot of fluctuations in the ground water, and the city has put in monitoring wells throughout the city. He stated that IGES is here and they have given a positive recommendation for this site. Cory Branch and Stacey Child have done a lot of research with regards to how deep graves need to be dug. Most graves are dug 5 feet and some cities do double graves which need to be dug 9 feet down. The city may have to restrict this property to single graves only. Mayor Wall stated that his concern is the high water table. The well monitoring was begun after the high water a few years back. He also inquired if standards for water and cemeteries was a regulated item.

Ben Peay, stated that he has been talking to four different vault companies in Utah, about the history of vaults. In talking with them vaults have been around since 1940. They started being used because water was making the ground cave in. He was told there only needs to be 18 inches of soil to allow the grass to grow, even if the vault is 40 feet down the first thing they do is pound a hole in the bottom to drain all the excess water because cement sucks in the water.

Ben has contacted home owners in the area and they believe when they quit having the water issues is when the sewer was put in.

Cory asked the council if they were ok with the water table at this property. The council stated yes. Cory stated that he and the mayor have met with a few different families regarding a potential cemetery. Each of the families had unique circumstances and they did not know if they wanted to get involved.

Cl. Hansen stated that he believes that Mr. Peay has put in a lot of time and has a very high interest in this property on Main Street. He does not believe that he should keep holding him off.

Cory Branch reviewed the numbers with regards to the sale of plats by the city and how many are projected for the first 5 years as outlined in the staff report and also what the projected revenues would be.

Staff manpower was also discussed regarding how many employees would be needed to run a cemetery.

Ben Peay stated that he wants to thank city staff for all their hard work and also countless hours they have put in. There is a local artist that has put together a drawing of the entry way to the cemetery.

Ben talked about how his company would assume a lot of the risk and that the risk to the city is very minimal.

PUBLIC HEARING ITEM:

Item 8.

Consideration of an ordinance amending Mapleton City Code (MCC) chapters 18.28.050, 18.32.050, 18.32.055, 18.36.060, 18.44.050 and 18.48.050. The proposed ordinance would allow for more flexibility in the minimum lot sizes for new residential subdivisions in the A-2, RA-1, RA-2, R-1-B and R-2 zones while maintaining the density requirements that already exist in these zones.

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance.

This ordinance would allow for more clustering provisions which would address lot sizes. Some developments have had odd shaped lots because of the overall density, but with this it would allow for smaller lots by keeping within the overall acreage size. Cl. Nelson inquired if this was going to allow for developers to come back in and apply for different lot sizes. Sean stated that the planning commission brought up the same issue and this will not allow them to do so.

Cl. Reid was concerned if those who have TDRs will be affected. He believes those people who have TDRs would lose value. Other discussions regarding TDRs were discussed and it was decided to continue the matter. Public hearing was open. No public comment was made.

Motion: Cl. Nelson moved to continue this item.

Second: Cl. Farnworth seconded the motion.

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Hansen Aye

Cl. Reid Aye

Cl. Nelson Aye

Vote: Passed 5:0

CLOSED MEETING:

Motion: Cl. Nelson moved to close the regular meeting and open a closed meeting pursuant to U.C.A. §52-4-205 for the purpose of discussing land negotiation and pending and potential litigation.

Second: Cl. Farnworth seconded the motion

Vote: Passed unanimously

Meeting adjourned at 10:15 pm.

APPROVED: December 2, 2014

Camille Brown, City Recorder