



1 Larry Mendenhall asked if that meant the applicant was proposing a half road until the  
2 owners to the south develop. Glade Tuckett said yes, and Lonnie Crowell clarified that it  
3 would actually be a half plus twelve road.

4  
5 Glade Tuckett explained that the property to the south will become more valuable by  
6 joining up with next group. Brian Braithwaite said his concern is that the road won't be  
7 able to be completed without taking out a house. Glade Tuckett asked which house and  
8 Commissioner Braithwaite pointed it out. Lonnie Crowell agreed it would probably be  
9 necessary to remove one house to complete the road.

10  
11 Brian Braithwaite asked if the property to the south has one owner, and Lonnie Crowell  
12 said it's actually four or five, depending on how much of the property you want to  
13 include. Commissioner Braithwaite asked if the property would have to be combined to  
14 make it work and Glade Tuckett said yes.

15  
16 Lonnie Crowell told the commissioners this is the property they might remember as  
17 Foxtrotters'. Several applicants have approached staff about the property, but they  
18 couldn't get access to the north. This application will allow that. Commissioner  
19 Braithwaite asked where and Lonnie Crowell showed where on the preliminary plat. He  
20 added that having the applicant do a half plus twelve road that will be completed later has  
21 been a common practice. Brian Braithwaite said he understood, but having a little sliver  
22 of land next to the road is asking a lot.

23  
24 Larry Mendenhall said the commission needs to take the view that the proposal to do the  
25 half plus twelve road meets the requirements of the development code. When the  
26 property to the south develops, then that house will have to go. He said he would have to  
27 be convinced that the half plus twelve road isn't acceptable.

28  
29 Jerry Gorrell observed that when the commission did an initial review of the Mountain  
30 View Meadows subdivision, it learned that there are currently three half plus twelve  
31 roads in Highland. So, while it does happen, it's not common. Larry Mendenhall asked if  
32 he remembered where they were. Jerry Gorrell gave approximate addresses and said he's  
33 uneasy with them because they've remained half plus twelve roads for a long time.  
34 Elizabeth Macfarlane said they become an eyesore. Commissioner Gorrell agreed and  
35 said this proposal creates an even bigger issue than the others because of the lot below,  
36 which suggests that the half plus twelve road will be there for awhile.

37  
38 Larry Mendenhall said the commission has the option to make a recommendation. Jerry  
39 Gorrell said he's not sure what to recommend, because the road does need to run south  
40 for the applicant to get the lots.

41  
42 Brian Braithwaite said his other concern is that the half plus twelve is the only road into  
43 the subdivision. If the far end were connecting up, he would be less concerned, but as it is  
44 he worries there's a safety concern. Glade Tuckett said it was his understanding that a  
45 half plus twelve road was deemed not to be a safety hazard, and that's why it's permitted  
46 in the development code.

1  
2 Brian Braithwaite asked the applicant if he'll be putting the bulb of the cul de sac in, even  
3 though it's on Plat 2, and Glade Tuckett said yes.

4  
5 Brent Wallace asked Lonnie Crowell how many more feet would be required to make it a  
6 full road. Lonnie answered 16 feet, which includes curb/gutter/sidewalk on both sides.

7  
8 Roger Dixon asked at what point, if any, does the city say it's going to consider safety.  
9 He also suggested that if the commissioners don't like the code, they should change it.

10  
11 Jerry Gorrell asked what it costs per linear foot to develop curb and gutter. Glade Tuckett  
12 said he wasn't sure. Roger Dixon asked how the applicant does such calculations and  
13 Glade said they use their excavator, who wasn't present. Commissioner Dixon asked if  
14 Glade could give a ballpark figure and he said no.

15  
16 Roger Dixon said he thought the applicant had outdone himself in terms of the shape of  
17 this subdivision. Glade Tuckett explained that the proposal is based on feedback from  
18 Mr. Taylor. He said originally his team had the road going north, but Mr. Taylor said  
19 he'd like the road for future development, so they put it in as per the recommendations of  
20 staff.

21  
22 Roger Dixon clarified that he loves out of the box thinking. Elizabeth Macfarlane said  
23 she does too, but this proposal might be too far out of the box. She explained that she  
24 feels uncomfortable having only one egress out of the subdivision, and also with the lot to  
25 the south. She said she feels this is an improvement over the other project, but it still  
26 needs work. Roger Dixon said if that's the case it's the commissioners' fault, not the  
27 applicant's, because they leave the code as is. Brent Wallace asked if there's a public  
28 hearing associated with this item and Larry Mendenhall said there is.

29  
30 Glade Tuckett explained that he would need to buy raw land not to run up against these  
31 challenges. He added that when he purchased this land he did look at the development  
32 code to make sure it was developable. Lonnie Crowell added that if the commissioners  
33 were aware of any flat, square pieces of land, he was sure Glade would be happy to know  
34 about them.

35  
36 Brian Braithwaite asked about the purpose of Phase 2 and Glade Tuckett said it's  
37 required for the density. Brian Braithwaite asked how long development of Phase 2  
38 would be postponed and Glade Tuckett said a couple of weeks.

39  
40 Brent Wallace asked if widening the road and shrinking the lots would be a deal breaker,  
41 and Glade Tuckett said if the existing home is to be kept, then there isn't any wiggle  
42 room. Elizabeth Macfarlane asked who owns it and Glade Tuckett said it used to belong  
43 to the Coopers, but Lone Peak owns it now.

44  
45 Larry Mendenhall opened the public hearing.  
46

1 There were no comments from the public.

2

3 Larry Mendenhall closed the public hearing.

4

5 Brent Wallace asked if there is precedent for requiring curb and gutter on both sides.

6 Lonnie Crowell said it wouldn't fit. The curb and gutter on the other side would need to  
7 be torn out when the road was completed. Brent Wallace suggested it would still be safer  
8 doing it that way than leaving it undone.

9

10 Lonnie Crowell observed that one would need 47 feet of right of way instead of 40 just to  
11 get to the curb. Brent Wallace asked if it's feasible and Lonnie Crowell said the  
12 commission could recommend it.

13

14 Larry Mendenhall asked Lonnie Crowell about the process in regard to half plus twelve  
15 roads. Lonnie Crowell said an applicant can request such a road, as per the ordinance. If  
16 City Council denies the request, then the applicant can present another application.

17

18 **Motion by Roger Dixon, Planning Commission to recommend that City Council**  
19 **grant preliminary approval of the Cooperview subdivision as per the**  
20 **recommendations of staff.**

21

22 **Seconded by Jerry Gorrell.**

23

24 **Motion tied with Jerry Gorrell, Roger Dixon and Larry Mendenhall voting in favor**  
25 **and Brent Wallace, Brian Braithwaite and Elizabeth Macfarlane voting against.**

26

27 Roger Dixon asked about the procedure in case of a tie vote and Larry Mendenhall said  
28 he wasn't sure. Lonnie Crowell observed that the commission will need to review this  
29 item one more time to make its final recommendation anyway. Jerry Gorrell reminded  
30 everyone that Barry Edwards told the commission at a previous meeting that if a motion  
31 didn't pass, it failed.

32

33 Roger Dixon asked if the item will go to City Council next. Lonnie Crowell said he  
34 wasn't sure. He explained that if this were the final recommendation from the Planning  
35 Commission and it went to a tie vote, the application would wait 30 days and then be  
36 presented to City Council. But he wasn't sure what the procedure is when the  
37 commission ties on a preliminary recommendation.

38

39 Brent Wallace asked Glade Tuckett if he could look at the numbers again to see if  
40 completing the road would be possible. Glade Tuckett said he would run the numbers  
41 again but warned that it was tight. Jerry Gorrell pointed out that the applicant could only  
42 have one lot under 30,000 square feet according to the ordinance. Larry Mendenhall  
43 asked Lonnie Crowell to determine what happens when there's a tie.

44

1 Brian Braithwaite asked Glade Tuckett if he understood the commissioners' concerns and  
2 Glade said yes. Commissioner Braithwaite told the applicant that in his opinion,  
3 everything else works about the proposal besides the road.

4  
5 Matt Shipp observed that the commissioners hadn't made any recommendations to the  
6 developer on their vote. He said without recommendations the applicant would simply  
7 bring the same proposal next time, and suggested they make recommendations. Jerry  
8 Gorrell said he thought it was the correct move to put a stub in on the other side. Larry  
9 Mendenhall agreed, and reiterated that the only issue is the half plus twelve road. He  
10 asked the commissioners if they would like to revisit the issue, or amend their motion.  
11 Brent Wallace asked if it was too late to amend and Larry Mendenhall suggested making  
12 a substitute motion.

13  
14 **Substitute motion by Brent Wallace, Planning Commission to recommend**  
15 **preliminary approval of the Cooperview subdivision as recommended by staff and**  
16 **with the additional change that lots 1 and 2 be adjusted to allow for a full street.**  
17

18 Glade Tuckett reminded the commission that he thought the numbers were too tight to  
19 allow a full street. Jerry Gorrell asked if he couldn't move the boundary of lots 1 and 2  
20 up, and Glade said he'll have to go back and look at it. Elizabeth Macfarlane said she  
21 would be glad to make another recommendation, adding she doesn't think it's fair that  
22 the city makes applicants like the Thomsons do curb and gutter but not developers who  
23 are producing a larger subdivision. Larry Mendenhall asked her if she wanted to make a  
24 substitute motion and Brian Braithwaite observed there's already a substitute motion on  
25 the table.

26  
27 Matt Shipp said one issue the commission had raised was safety. He asked if the  
28 commission was asking the applicant to put in the full width of the road, or the full right  
29 of way, and suggested that asking for the full right of way instead of the full road might  
30 be a compromise recommendation.

31  
32 Jerry Gorrell asked if the curbs on the far side would still be in this subdivision and Matt  
33 Shipp said staff hasn't looked at it yet to make that determination. Matt added that if the  
34 commission is asking the applicant to adjust lot one for the road, removing the parkstrip  
35 requirement could help the applicant achieve the recommendation.

36  
37 Roger Dixon asked how many feet that would save. Matt Shipp said he wasn't sure but  
38 probably about seven or eight feet. Lonnie Crowell observed that such a change would  
39 leave lot 9 with only a 29-foot building envelope. Brian Braithwaite asked if making the  
40 developer put in the whole road means the city loses the ability to make the other  
41 developer put in the sidewalk.

42  
43 Larry Mendenhall suggested the stipulation should be that Glade Tuckett will put the  
44 curb in and go the full length of the road, and that in the future the developer to the south  
45 will have to reimburse Mr. Tuckett for the portion belonging to the subdivision to the  
46 south. Brian Braithwaite said he understood, and asked if they would still be forced to put

1 in the sidewalk and parkstrip to the south. Lonnie Crowell said yes, adding that no doubt  
2 they would happily put in sidewalk if that's all they're required to do.

3  
4 Roger Dixon said he didn't think the commission was moving in the right direction with  
5 this discussion. He observed that the rules have been established, and the applicant  
6 presented a proposal that met the requirements under those rules. Therefore it wasn't fair  
7 to require extra of him. If the commissioners don't like the rules, it would be better to  
8 change them, so future applications reflect what the commission thinks is appropriate.

9  
10 Brian Braithwaite responded by observing that when policies are created, they are  
11 designed to cover as many situations as possible, but still, not everything fits. He said if  
12 the previous commissioners could have foreseen this situation, it would have been  
13 addressed in the code. If there were another road out of the proposed subdivision, he'd  
14 feel differently, but as it is, there's only the one road, and the commission has to consider  
15 that the area could stay as shown on the plat for another 50 years before additional  
16 development occurs.

17  
18 Roger Dixon countered that if the commission really feels that way, the right thing to do  
19 is to acquire the land by eminent domain and have the city develop it.

20  
21 Larry Mendenhall said to require anything else doesn't work. The property will change  
22 hands, and development will occur. It's a matter of time.

23  
24 Roger Dixon said he looked at this item pretty closely and he's not sure how viable it  
25 would be to move the road even a few feet to the north.

26  
27 Larry Mendenhall called for a motion to rescind the previous tie vote. Brent Wallace  
28 observed that he already has a new motion on the table to recommend preliminary  
29 approval of the Cooperview subdivision as recommended by staff and with the additional  
30 change that lots 1 and 2 be adjusted to allow for a full street, but not a full right of way.

31  
32 Larry Mendenhall said nonetheless he wanted the previous motion rescinded. Roger  
33 Dixon said he didn't think that was necessary.

34  
35 **Motion by Brian Braithwaite, Planning Commission to rescind the previous motion**  
36 **in regard to this item that resulted in a tie vote.**

37  
38 **Seconded by Brent Wallace.**

39  
40 **Motion passed with Brian Braithwaite, Brent Wallace, Jerry Gorrell and Larry**  
41 **Mendenhall voting in favor and Elizabeth Macfarlane and Roger Dixon opposed.**

42  
43 **Motion by Brent Wallace, Planning Commission to recommend City Council**  
44 **approve the Cooperview subdivision, subject to the recommendations of staff and**  
45 **with the additional recommendation from the Planning Commission that lots 1 and**  
46 **2 be adjusted to allow for a full road past lots 1 and 2.**

1  
2 **Seconded by Brian Braithwaite.**

3  
4 **Motion by Brian Braithwaite to amend the motion to state that the developer should**  
5 **also be required to make whatever adjustments are necessary to allow full road**  
6 **access to the subdivision; however, the commission is willing to accept development**  
7 **of curb and gutter only on the south side of the road.**

8  
9 **Amendment seconded by Jerry Gorrell.**

10  
11 **Amended motion passed with Elizabeth Macfarlane, Brent Wallace, Brian**  
12 **Braithwaite, and Larry Mendenhall voting in favor and Roger Dixon and Jerry**  
13 **Gorrell voting opposed.**

14  
15 **Larry Mendenhall told Glade Tuckett this item will go before City Council next and**  
16 **won't return to the commission.**

17  
18  
19 **Item 2: Mountain View Meadows Subdivision ~ Preliminary Approval**

20  
21 Larry Mendenhall invited Lonnie Crowell to speak about this item.

22  
23 Lonnie Crowell said staff's only remaining questions concern lot 11 and the connection  
24 between this subdivision and the Spruces subdivision. Also, things still aren't resolved  
25 for Maren Mouritsen.

26  
27 Brian Braithwaite said the applicant has done a good job with making some of the  
28 requested changes, and asked what the conclusion was in regard to the half plus twelve  
29 road. Glade Tuckett said there's another developer who got in touch with Maren  
30 Mouritsen and talked about deeding the property to put the full road in. He tried to  
31 contact her to verify this was the case, but was not able to reach her. Jerry Gorrell  
32 observed that Maren was sitting right behind Glade.

33  
34 Larry Mendenhall invited Maren Mouritsen to address the commission.

35  
36 Maren Mouritsen stressed that she is not opposed to development. She said Mr. Tuckett's  
37 characterization was spurious. At the May 8 meeting, the commission instructed Mr.  
38 Tuckett to speak to her. He did, and they had a conditional agreement, but then he came  
39 back and asked her to throw her entire property into the development to get his density.  
40 This was unacceptable to her.

41  
42 Maren Mouritsen said the ordinances call for full roads throughout the city. She also said  
43 she'd spoken with Will Jones about 45 minutes ago. His proposal, however, has to do  
44 with irrigation rights, which is a separate issue from the road. She told Glade that Will  
45 said he'd talked to Glade about a strip Glade was going to purchase from Will. Glade  
46 Tuckett said Will Jones still owns that property.

1  
2 Maren Mouritsen showed the property in question on the plat map. She said the issue is  
3 that the road goes a certain distance, and then goes into the Spruces, so it won't be  
4 completed. She asked about a cul de sac and Glade Tuckett said it's no longer a cul de  
5 sac. Maren Mouritsen reiterated to Glade that Will Jones had stated, just 45 minutes  
6 previous, that Glade had purchased it from Will and it was now Glade's issue.

7  
8 Maren Mouritsen suggested a proposal, which was that she will deed seven feet to the  
9 city and have Glade Tuckett do the improvements and the fence. She said that could have  
10 some tax benefits for her. She does not support the idea of an unfinished, half plus twelve  
11 road, for she feels they are ugly and dangerous. She doesn't want to see that go in, and is  
12 willing to cooperate to find another solution.

13  
14 Larry Mendenhall thanked Maren Mouritsen for her comments. He said he couldn't tell  
15 her for sure that her proposal could be worked out, but it's a step in the right direction.  
16 City administration will have to approve her proposal. He also indicated he'd never felt  
17 she was opposed to the subdivision.

18  
19 Glade Tuckett said he would be more than willing to put the improvements in, and Larry  
20 Mendenhall said in that case, this could be a solution to the road issue.

21  
22 Matt Shipp said staff appreciates the exchange that just took place, but they also want to  
23 make sure the seven feet doesn't impact future development. They'll want to make sure  
24 no lots will be lost, et cetera, should Maren choose to develop in the future. Larry  
25 Mendenhall told Maren Mouritsen that as part of its motion, the commission will instruct  
26 staff to run this idea past the administration to see if it can be done, and then to  
27 communicate that information to her.

28  
29 Maren Mouritsen said she still doesn't have a resolution with the Spruces subdivision in  
30 regard to her irrigation water. Evidently Lonnie proposed some ideas to Will, but he  
31 hasn't responded. Right now, it's bone dry, she's lost her alfalfa, and her horses are being  
32 watered with culinary. Lonnie has provided some suggestions about liens and such.

33  
34 Brian Braithwaite observed to Lonnie Crowell that recommendation number 9 in regard  
35 to this item is no longer applicable and Lonnie agreed he would remove it.

36  
37 Commissioner Braithwaite said because there are a lot of issues, one concern is to make  
38 sure all the loose ends are tightened up before the proposal is passed along. The Planning  
39 Commission has had other developments go in where not all the pieces were in place  
40 before it left the commission. He observed that while the applicant won't be able to  
41 record until certain pieces are in place, the commission also wants to make sure that all  
42 requirements in regard to easements and other legalese are in place before the application  
43 moves forward, so future purchasers won't be caught in a legal quagmire later.

44  
45 Elizabeth Macfarlane agreed. She said that in regard to staff recommendation number 6,  
46 there needs to be a plan in regard to ditches and irrigation. Roger Dixon asked which

1 water she was referring to. Elizabeth Macfarlane referred to the issue Maren Mouritsen is  
2 having, but Roger Dixon reminded Commissioner Macfarlane that's a different issue.  
3 Maren Mouritsen confirmed that the water the issue originated with the Spruces  
4 subdivision, but reiterated that Will Jones said the property belongs to Glade Tuckett  
5 now. Elizabeth Macfarlane said she understood, and it needs to be more stabilized.  
6

7 Maren Mouritsen said one water issue is Mr. Peterson's property, because he needs water  
8 from one of the ditches until the pressurized irrigation (PI) goes in. Roger Dixon asked  
9 where the ditch is and Maren Mouritsen said it's a lateral and showed it on the map. She  
10 explained that it was dug privately and they let people use it all the way down to the Pace  
11 property, though another gentleman showed it ending sooner.  
12

13 A resident from the neighborhood said their PI will come from 11200 North. Matt Shipp  
14 asked if that meant they didn't need the ditch. She said they're just waiting for the  
15 boundary lines to be finalized to start putting in the PI.  
16

17 Maren Mouritsen said she's never used that ditch, but the other ditch was cut off at the  
18 same head gate. She would consider selling some water shares and putting in PI if they  
19 pay for it, though she's not crazy about the idea. She said the other ditch isn't of interest  
20 to her. Roger Dixon asked if those ditches have to do with this development. Maren  
21 Mouritsen said she wasn't sure. Will Jones says it does.  
22

23 Larry Mendenhall said it would be incumbent upon all property owners who use the  
24 ditches to walk them and let them the developers know of any issues. Maren Mouritsen  
25 said she has. Larry Mendenhall asked if anyone has said, Right here is where it's blocked.  
26 Maren Mouritsen said they have. They know where the ditch is blocked.  
27

28 Another resident asked if he could comment. He said the ditch Maren Mouritsen was  
29 referring to is his father-in-law's. It's creating a hardship for Mr. Peterson, and the longer  
30 the approval process goes on, the more of a hardship it creates. He said the other issue  
31 doesn't impact this subdivision at all.  
32

33 Roger Dixon asked which issue he was referring to, and he said item number 6. He said  
34 he doesn't believe Maren Mouritsen has ever taken a water turn at 2 am. She's never  
35 farmed, she just has thorn bushes. He doesn't know what the problem is. Maren  
36 Mouritsen said that's not true.  
37

38 Larry Mendenhall said the only reason he was allowing this to continue was to try to  
39 glean some useful information, and asked if the ditch is open on both sides. The resident  
40 said it is.  
41

42 Roger Dixon asked when Mr. Peterson can go on PI, and the resident said as soon as this  
43 subdivision is approved, the boundaries are established, and he's paid.  
44

45 Glade Tuckett said it was his understanding that the water issue for these residents began  
46 when the Spruces came in. If swapping some land means he'll get what's needed to put a

1 culvert under, then he'll do it. However, he added that he's confused because he also got  
2 a call from Will Jones earlier this evening, during which Will indicated he was going to  
3 work the water issue out and pay Maren.

4  
5 Maren Mouritsen said it's possible Will intended to discuss such a possibility with her. It  
6 was five minutes before 7 pm when he called and she told him she was late for the  
7 meeting and had to go. Perhaps he had more to say.

8  
9 Glade Tuckett said Will had indicated he was willing to pay to get Maren her water, but if  
10 Will doesn't, then Glade is willing to do whatever it takes. He said it should only cost  
11 \$3,000.00 to fix the issue and he isn't sure why Will is squabbling. Larry Mendenhall  
12 asked if it's a paved road and Glade Tuckett said it will be. Larry Mendenhall stressed  
13 that Maren Mouritsen deserves to have the issue resolved.

14  
15 Jerry Gorrell observed to Glade Tuckett that on one of the other projects he presented  
16 recently, they did something with a deed restriction. He suggested the same thing for this  
17 project. Brian Braithwaite asked what the concern was and Jerry Gorrell said it's lots 10  
18 and 11 and the fact that they back onto properties with animals. Lonnie Crowell said they  
19 could deed restrict the lots so buyers must sign a form before purchasing. Larry  
20 Mendenhall asked Glade Tuckett if he would object to this and Glade said not at all.

21  
22 Jerry Gorrell asked if there was any hope of a northbound exit out of the subdivision, and  
23 Glade Tuckett said those property owners aren't open to that possibility.

24  
25 A resident said he's lived in Highland since before it was incorporated, and originally  
26 there was another subdivision with a cul de sac. On the vicinity map he pointed out that  
27 Manor Drive is currently stubbed, but said it was approved to go through eventually. He  
28 remembers that they wouldn't approve the subdivision without that.

29  
30 Larry Mendenhall said that agreement was made while the property was in the County.  
31 Highland City didn't have anything to do with it. The resident said he understood, and he  
32 wasn't sure it could be enforced now anyway. But he can see why concerns would be  
33 raised, because you don't know how long it will take to put in additional improvements  
34 once a project is approved, as evidenced by the Manor Drive example.

35  
36 Roger Dixon asked if suggestion number 8 should refer to lot 11 instead of lot 10, and  
37 Lonnie Crowell agreed it should, and then pointed out that in fact it can now be deleted.  
38 Jerry Gorrell observed that suggestion 9 can be deleted as well.

39  
40 A resident said he understands the developer will be putting in curb and gutter, but said  
41 they don't want a parkstrip, because they just get full of weeds. Matt Shipp explained the  
42 parkstrip is required by the development code. Brian Braithwaite added that there might  
43 be a few examples without parkstrips that were grandfathered in, but now it's a  
44 requirement.

1 **Motion by Brian Braithwaite, Planning Commission to recommend preliminary**  
2 **approval of the Mountain View Meadows subdivision, subject to the previous**  
3 **recommendations of staff and the Planning Commission and with the following**  
4 **changes: that recommendations 8 and 9 be deleted; that recommendation 10 be**  
5 **changed to say “That the applicant include a deed restriction on the Final Plat ...”;**  
6 **and with the additional recommendation that the developer work with city staff and**  
7 **Maren Mouritsen on the property requirements for the road, and bring those**  
8 **recommendations to Planning Commission during the next visit.**

9  
10 **Seconded by Jerry Gorell.**  
11 **Unanimous vote, motion carried.**

12  
13  
14 **Item 3: Day’s Meadows Plat C ~ Final Subdivision Recommendation**

15  
16 Larry Mendenhall summarized the agenda item.

17  
18 Elizabeth Macfarlane said she wasn’t here for the preliminary approval discussion and  
19 asked why the lots are half acres. Larry Mendenhall directed her to the second paragraph,  
20 and explained that the R-1-40 requirements allow up to 35% of the lots to be between  
21 20,000 and 30,000 square feet.

22  
23 **Motion by Roger Dixon, Planning Commission to recommend that City Council**  
24 **grant final approval of the Day’s Meadows Plat C subdivision, subject to the**  
25 **conditions of approval recommended by staff and the commission.**

26  
27 **Seconded by Brent Wallace.**  
28 **Unanimous vote, motion carried .**

29  
30  
31 **Item 4: Active Living Retirement Development Proposal ~ Discussion**

32  
33 Larry Mendenhall asked if Lonnie Crowell had any comments. He said he didn’t have  
34 any comments per se, except he feels this proposal offers the residents of Highland a lot.

35  
36 Rob Clauson indicated he had a quick PowerPoint presentation to show the commission.  
37 He explained that he’s proposing an active adult, deed-restricted resort community. The  
38 location is ideal because it includes three miles of trails and will offer outdoor activities  
39 such as walking and bird watching in addition to indoor activities at the club house. He  
40 added that the size of the property allows them to offer more amenities. The proposal is  
41 also a good match for the General Plan Map.

42  
43 Rob Clauson reminded the commission that Patterson is doing a subdivision nearby. He’s  
44 met with Patterson to discuss the two projects. Patterson is doing an assisted living  
45 project, while Rob wants to do an active living project. He stressed that the two types of

1 projects are very different. However, he intends to offer use of amenities at the active  
2 living community to residents of the Patterson project as well.

3  
4 Rob Clauson said his goal is to bring a true 55-plus community to Highland, as well as to  
5 help the city meet its affordable housing burden. He explained he'll be following the  
6 AARP universal design plan in designing these homes, making a true senior home with  
7 smaller cabinets and other conveniences best suited to the demographic.

8  
9 Rob Clauson explained that to have a deed restriction based on age, you have to follow  
10 certain guidelines, including meeting the needs of the community and having amenities.  
11 He said this will be resort-style living that attempts to meet the physical and cultural  
12 needs of the community by offering cleaning services, fine dining, activities, exercise  
13 programs, transportation, continuing education classes, and a 13,000 square foot  
14 community center, as well as a clubhouse, tennis courts, and pools.

15  
16 Rob said his goal is to work with the city to produce a development that meets a variety  
17 of needs for the community. He said other residents of the city who are over 55 will also  
18 be able to use the facilities. He also said it's his intention to preserve the scrub oak, and  
19 plant trees for every home.

20  
21 Roger Dixon asked if the deed restriction will only apply to those homes that fall into the  
22 affordable housing category. Rob Clauson said of the 175 units, 174 will be deed  
23 restricted for age. One unit will not be deed restricted for age to allow a maintenance  
24 person to live on the premises. The affordable housing deed restriction will be for 29  
25 units. They will be sold at the defined price restriction, which will be in place for the life  
26 of those units.

27  
28 Roger Dixon said the project meets the needs of individuals and of the community. He  
29 thinks it's an excellent proposal and the commission should give it every possible  
30 consideration.

31  
32 Brent Wallace observed that by locating the project in a place where there isn't already  
33 an established neighborhood, it's less likely there will be objections from the public. Rob  
34 Clauson said he's talked to the neighbors. One of them wants some trees put in, and also  
35 to be able to see the water. Another might approach the city about splitting her lot. Aside  
36 from these requests, they haven't indicated any objections.

37  
38 Brent Wallace said he thought the project was very positive. Elizabeth Macfarlane  
39 agreed, saying she's been through the proposal with a fine tooth comb and she couldn't  
40 find anything she didn't like. Her only suggestion was to have 911 boxes along the trails,  
41 as a safety measure for the community. Rob Clauson said the trail system will be lit, and  
42 the units will have blue lights.

43  
44 The applicant assured the commissioners that he's had an attorney look at the deed  
45 restriction and said he hopes this project will be on the cutting edge and something  
46 Highland is proud to accept.

1  
2 Roger Dixon suggested some of the longer streets should have cul de sacs. Rob Clauson  
3 said they will. The drawings that were submitted for this presentation were done quickly  
4 and aren't final.

5  
6 Brent Wallace observed that some of the homes will be close to the scrub oak, and asked  
7 Rob if he's considered fire prevention near those homes. Rob said they will clean the area  
8 up. In addition, irrigation heads will point in that direction, and there will be fire lines.  
9 Also each home will have sprinklers, and the design calls for concrete instead of wood, as  
10 additional fire prevention steps.

11  
12 Roger Dixon asked the applicant if he would take out the dead wood, and Rob said yes.  
13 He added that 45% of the proposal is open space. Brent Wallace suggested that if the plan  
14 is to use large caliper trees, they'll need guide wires for the first few years, and the  
15 applicant agreed.

16  
17 Jerry Gorrell said he was struggling with the proposal. He observed that for him the most  
18 telling document is the plat. If you remove the middle part with the preservation corridor,  
19 the rest is an apartment complex. He asked if zoning for the property is R-1-40. Lonnie  
20 Crowell pointed out that it's not zoned yet, since it hasn't been annexed, but the General  
21 Plan shows it as open space/mixed use. It abuts property zoned R-1-40.

22  
23 Jerry Gorrell said this proposal would set a precedent to allow fourplexes and sixplexes in  
24 Highland. Rob Clauson observed that the proposal calls for 4.8 units/acre, but  
25 Commissioner Gorrell countered that the 4.8 units/acre is overall, whereas if one takes  
26 the corridor out, it's closer to 6 units/acre. He said he appreciates the goals and objectives  
27 of the project, but it seems less pressing now that you can go down the road and find  
28 other, similar options. Rob Clauson said he wouldn't call those developments similar.  
29 Jerry Gorrell said he's not sure if he's for or against this project, he just has concerns  
30 about the density and the increase in multi-unit housing.

31  
32 Brian Braithwaite said he liked the concept of the project, and thought there were two  
33 areas where it could work, of which the proposed location is one. The other would be the  
34 location near the high school. He added that there are still a lot of details that need to be  
35 worked out. He has some concerns about the deed restrictions and wants to be certain the  
36 city attorney reviews them. In addition, he has a concern about the property to the north,  
37 which could be annexed in, and if so, would probably be zoned R-1-40.

38  
39 Commissioner Braithwaite agreed with Commissioner Gorrell that without the open  
40 space, this would basically be a high density project. However, he added that, in general,  
41 he's impressed with the proposal.

42  
43 Brent Wallace asked if the development would be fenced, and Rob Clauson said along  
44 the east they'd leave it open, as that's what the neighbors want, but they'll probably have  
45 a stone fence to the north, and possibly a four-foot wrought iron fence on the other sides.  
46

1 Jerry Gorrell said when he looks at the east side of the project, he feels enthusiastic, but  
2 when he looks at the west side he sees an apartment complex. Rob Clauson agreed it's  
3 higher density on that side, but asked how one balances offering affordable housing with  
4 making a profit.

5  
6 Jerry Gorrell observed that the results of the recent survey of Highland residents  
7 indicated that half acre lots are the smallest residents want to see in Highland.

8 Rob Clauson said the proposal currently calls for 80 units that are fourplexes and  
9 sixplexes. He asked how it would work if density were lowered. Would the club house  
10 have to be smaller as well? Would the units be stacked?

11  
12 Elizabeth Macfarlane reminded Jerry Gorrell that there won't be any children living in  
13 the development, and said that changes how density feels. Commissioner Gorrell agreed,  
14 and said he would be okay with this proposal were it not for the worry that this  
15 application will be followed by additional ones.

16  
17 Brent Wallace said there was a precedent set last week in which Bluffdale lost 40% of its  
18 area because it didn't offer affordable housing. The land went to Herriman. He suggested  
19 that either Highland needs to make a decision about affordable housing, or the courts will  
20 decide for it. Jerry Gorrell said he wouldn't make decisions based on an imaginary threat.

21  
22 Lonnie Crowell reminded the commissioners that all they're doing at this juncture is  
23 deciding whether they want to consider this concept. He added that City Council is  
24 always careful to ensure that a new zone doesn't overextend itself.

25  
26 Jerry Gorrell said that for him, the strength of this proposal isn't the clubhouse, it's the  
27 quiet living. He said he lived in an apartment once, and he cringed every time he stepped  
28 outside.

29  
30 Rob Clauson explained he's been working with a consultant who says one objective of a  
31 project like this should be to get the residents out of their homes and interacting with each  
32 other. Many of the homes will have just one person living in them.

33  
34 Larry Mendenhall said that, to summarize, the consensus seemed to be that the concept is  
35 great in general, but the commissioners have concerns about the density. He added that  
36 his own predilection is to provide a place to preserve the fabric of the community as  
37 regards people over 55. He said this proposal doesn't feel like a warehouse to him.

38  
39 Commissioner Mendenhall added that the road might be a detractor, but it's also a great  
40 buffer, and he's not sure that 8,000 cars going back and forth would be better. He said  
41 that as a senior himself, he's getting to the point where this proposal is attractive. The  
42 location is right, and he thinks the concept is fairly close as well.

43  
44 Chris Dalley asked what cost there will be for other residents to use facilities. Rob  
45 Clauson said that's still being worked out. It won't be high, and it can be waived for

1 residents who can't afford it. There will also be free events that other residents can  
2 attend.

3  
4 Rob Clauson said they thought they'd use asphalt to create a fire break. Roger Dixon  
5 asked if the applicant had considered a second bridge instead of the long cul de sac, and  
6 said he liked the idea of a loop.

7  
8 Larry Mendenhall thanked the applicant and asked if there were any comments from the  
9 public. A gentleman explained he does senior projects and is interested in the discussion.

10  
11 Jerry Gorrell observed that the Highland demographic is getting younger not older, but  
12 Brent Wallace said that's an argument in favor of projects like these, because older  
13 residents can't afford to stay. Jerry Gorrell said he just wants to make sure ten such  
14 projects aren't built if the community only needs, say, three.

15  
16 **Motion by Roger Dixon, Planning Commission to recommend that staff schedule a**  
17 **work session to consider annexation and the proposed active living retirement**  
18 **development.**

19  
20 **Seconded by Elizabeth Macfarlane.**  
21 **Unanimous vote, motion passed.**

22  
23  
24 **Item 5: Housecleaning Code Amendments ~ Public Hearing & Code**  
25 **Amendments as Follows: 3-208(1)(a), 3-208(1)(b)(iv), 5-1-108, 5-4-318(1)(2)(3), 5-4-**  
26 **319(2), 5-4-321, 5-4-409(2)(a)**

27  
28 Larry Mendenhall said he would run through the proposed code amendments. He  
29 observed that the first one is simply a change in the address.

30  
31 Brian Braithwaite asked about the Background information that was provided in the  
32 agenda for item 3-208(1)(a), which says it "suggests a bond of a lesser amount is  
33 permitted which is not allowed per Council." He said he tried to tie this information to  
34 the proposed change but it didn't make sense. Lonnie Crowell apologized, saying that  
35 should have been the second one down.

36  
37 Larry Mendenhall asked about the change to 120% for the bond amount in section 5-4-  
38 318(1)(d). Lonnie Crowell explained that the bond amount has never been the 110%  
39 indicated in the existing text.

40  
41 Larry Mendenhall asked if the city has a Zoning Administrator, as defined in the existing  
42 code. Lonnie Crowell said Matt Shipp is the person who gives approval to release bonds,  
43 and explained the process. Brian Braithwaite said it's Matt's world and he might as well  
44 have the authority to approve the releases.

1 In regard to the edits to 5-4-318(1)(g), Roger Dixon suggested it would be easier to  
2 understand if a period is put in after deficiency and a new sentence starts with “Building  
3 permits shall not be issued ...” Lonnie Crowell agreed.

4  
5 Larry Mendenhall asked if the commissioners had any issues with the deletions in 5-4-  
6 318(2). Lonnie Crowell explained that as defined in Chapter 6, we don’t accept other  
7 types of bonds or credits that are listed in the deleted sections.

8  
9 In regard to section 5-4-319(2), Roger Dixon asked if two years is long enough to hold  
10 the bond, or if three might not be better. Matt Shipp said two years is pretty standard. It  
11 covers several weather cycles.

12  
13 Brent Wallace asked about several existing subdivisions and Matt summarized their  
14 status. Roger Dixon suggested that if the bond were three years, some of the issues that  
15 had not presented at the two-year mark for those subdivisions might have become  
16 apparent. Matt Shipp agreed, but said the line has to be drawn somewhere.

17  
18 Brent Wallace observed that if the bond is held for three years, it will have the effect of  
19 people charging more for the lots. Brian Braithwaite added that it creates issues to go  
20 outside the defined standard. Roger Dixon asked where the standard is defined, and Matt  
21 Shipp said he’s seen the period defined as anywhere from one to two years. Brian  
22 Braithwaite said you can see them in the paper as well.

23  
24 Brent Wallace said he’s seeing an abnormal number of sidewalks cracking and it’s  
25 caused by the sewers. Brian Braithwaite said if you have a really dry two years you might  
26 not see issues in that time, but usually you will.

27  
28 Larry Mendenhall opened public hearing.

29  
30 There were no comments from the public.

31  
32 Larry Mendenhall closed the public hearing.

33  
34 Elizabeth Macfarlane asked staff when new copies of the Development Code that reflect  
35 all the recent changes would be available. Lonnie Crowell said the city recorder is  
36 working on the new version.

37  
38 **Motion by Brian Braithwaite, Planning Commission to recommend to city staff and**  
39 **the City Council that they amend the Development Code as recommended by staff**  
40 **on pages 35-40 of the agenda and as modified by Planning Commission.**

41  
42 **Seconded by Roger Dixon.**

43 **Unanimous vote, motion passed.**

44  
45  
46 **Item 6: Approval of Meeting Minutes for July 10, 2007**

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11

Larry Mendenhall said he will research how amendments should work for next time.

**Motion by Elizabeth Macfarlane, Planning Commission to approve the Meeting Minutes for July 10, 2007, as amended.**

**Seconded by Brent Wallace.  
Unanimous vote, motion carried, with Jerry Gorrell abstaining.**

Meeting adjourned at 9:52 p.m.