



1 had discussed a different orientation. Larry Mendenhall said he didn't recall that  
2 and that the orientation Commissioner Dixon was proposing would be tricky with  
3 the setbacks.

4  
5 Brian Braithwaite said he thought 6 am to 12 am seemed long for the hours, and  
6 wondered why 10 pm would not be sufficient. Carly LeDuc said the wording of  
7 the staff recommendation simply matched the wording of the ordinance, and that  
8 the applicant's actual anticipated hours of operation were shown on page 4 of the  
9 agenda.

10  
11 Brian Braithwaite said he thought there was no reason for lights to be on while  
12 the building is unoccupied. He asked Curtis Miner about the hours. Curtis Miner  
13 asked if the commission wanted to restrict the business hours further, saying he  
14 didn't think that would be a problem. He added that lighting could be off, except  
15 for security lighting, after 11 pm. However, he also observed that Dr. Clark will be  
16 one tenant in a multi-tenant building, so some aspects of the exterior lighting will  
17 not be in his control.

18  
19 Larry Mendenhall said that when the commission approved the building, it had  
20 specific lighting and hours requirements, so he assumed control of the exterior  
21 lighting hours has already been established. Lonnie Crowell agreed that exterior  
22 lighting would be controlled by the owner of the building. Brian Braithwaite said  
23 it surely wouldn't be necessary for the exterior lighting to be on until midnight.  
24 Lonnie Crowell reiterated that the staff recommendations are based directly on  
25 language from the ordinance.

26  
27 Jerry Gorrell said the setbacks on the building suggest the exterior lighting  
28 shouldn't affect the surrounding residential areas, but Brian Braithwaite said it  
29 was close enough to be a concern. Jerry Gorrell observed that the zoning allows  
30 for a physical therapist to be a tenant in the building, and that a physical therapy  
31 practice might have extended hours, so clients can come in after work.

32  
33 Brian Braithwaite said he thought hours until 10 pm were fine, but that no  
34 businesses besides convenience stores and the like should need to be open later  
35 than that.

36  
37 Larry Mendenhall asked Lonnie Crowell if the commission could impose a lighting  
38 requirement on Dr. Clark that would overrule the agreement made with the  
39 developer. Lonnie replied that in regard to business hours, the City Council  
40 recently increased the available hours to 6 am – 12 am from 7 am -7 pm. He said  
41 because of this, if the applicant has business going on he wasn't sure it was fair to  
42 tell the applicant that the lights have to be off.

43  
44 Barry Edwards observed that the question of exterior lighting at the building fell  
45 outside the purview of the applicant's conditional use permit application. He said

1 the exterior lighting restrictions were put in place when the conditional use  
2 permit for the building was approved. However, he agreed with Commissioner  
3 Braithwaite that there should be restrictions on the exterior lighting. He said if  
4 there is an emergency at 2 am, the security lighting should be used. In addition,  
5 the sign in front of the building should have hours posted on it. Barry also said the  
6 ordinance used to specify that lighting could be on during business hours. He said  
7 it might not say that anymore, but it's a good guideline.

8  
9 Larry Mendenhall observed the commission needed to limit its current discussion  
10 to the sign, since the exterior lighting on the building is already controlled. Brian  
11 Braithwaite asked what hours are specified for the building, and Larry  
12 Mendenhall said he couldn't remember. Barry Edwards said it was a good  
13 question and that staff would need to go through the minutes to find out. He  
14 suggested staff could approve the applicant's conditional use permit and bring the  
15 sign back for another time.

16  
17 Jerry Gorrell thought the commission should do so as Barry suggested. He said to  
18 him the staff recommendation read as though the commission should be  
19 addressing all lighting associated with the business, including the sign and  
20 exterior lighting. He also said if Commission Braithwaite isn't comfortable with 12  
21 am, the commission could specify 10 pm. Larry Mendenhall agreed, but cautioned  
22 again that the applicant won't have control of exterior lighting at the building.

23  
24 Brent Wallace observed that, unless the commissioners had erred, they must have  
25 been comfortable with what they passed. Brian Braithwaite said he would like to  
26 specify that lighting associated with this business be turned off between 10 pm  
27 and 6 am, and that the hours of operation be limited to 6 am – 10 pm as well.  
28 Since this is the first applicant for the building, he'd like to set this standard for  
29 the building now.

30  
31 Roger Dixon asked what kind of sign the commission was approving, and Lonnie  
32 Crowell said it's a pan channel sign with black lettering, smaller than what's on  
33 Highland Marketplace. Brian Braithwaite said the sign was consistent with  
34 Kohler's and asked Lonnie if he'd seen anything more detailed from the applicant.  
35 Lonnie Crowell said he hasn't done the math yet, but before the sign is finalized  
36 he'll verify that it meets the 5% or under size restriction specified in the code. He  
37 said the request asks if the commission is okay with this type of sign at this  
38 location.

39  
40 Larry Mendenhall opened the public hearing.

41  
42 There were no comments from the public.

43  
44 Larry Mendenhall closed the public hearing.

45

1 Brian Braithwaite noted that the applicant specified he would start with three  
2 onsite employees, never to go above 15 total, and asked how much of the building  
3 he would be occupying. Curtis Miner said he would be taking about one-quarter  
4 of the bottom floor. Commissioner Braithwaite asked how much more space the  
5 applicant would require as his business grows, and Curtis Miner said he's taking  
6 all the space he'll ever need at the outset.

7  
8 Jerry Gorrell asked how many parking spaces there will be and Larry Mendenhall  
9 said he thought 25 or 28.

10  
11 Larry Mendenhall said he would entertain a motion regarding this item and Roger  
12 Dixon said he would like to specify that this sign will be the only one on the  
13 building, but Brian Braithwaite said the commission would have to allow  
14 whatever was specified for the building previously. Curtis Miner said that in  
15 working with the current group of tenants for the building, only Dr. Clark has  
16 indicated he wants a sign, though that could change with future applicants. Larry  
17 Mendenhall observed that every tenant will have to go through the conditional  
18 use permit process, and Brian Braithwaite added that the first sign will restrict  
19 what future tenants can add, because the first sign will use up most of the  
20 permitted square footage for a wall sign.

21  
22 **Motion by Brian Braithwaite, Planning Commission to recommend that City**  
23 **Council approve Dr. Kyle Clark's conditional use permit application, subject to**  
24 **recommendations of staff and with additional recommendations from the**  
25 **commission that the hours of operation be limited to 6:00 am until 10:00 pm;**  
26 **that the lighting associated with this business be turned off between the hours of**  
27 **10:00 pm and 6:00 am except security lighting which may be turned on by**  
28 **motion sensor only; and that signage for the business meet the requirements of**  
29 **the city ordinance and be approved by staff after review.**

30  
31 **Seconded by Brent Wallace.**  
32 **Unanimous vote, motion passed.**

33  
34  
35 **Item 2: Waterford Estates Subdivision ~ Public Hearing & Preliminary**  
36 **Subdivision Approval Request**

37  
38 Larry Mendenhall invited Carly LeDuc to summarize this issue.

39  
40 Carly LeDuc explained that staffs main concerns are a note on the plat pertaining  
41 to the sewer, and large animal rights.

42  
43 Brian Braithwaite asked where the Alpine line is. Barry Edwards delineated the  
44 property in and around the proposed subdivision, explaining that Mr. Birrell has a

1 strip that's in the County. One side is Alpine, then there's an asphalt road, then  
2 the County, then Alpine.

3  
4 Brian Braithwaite asked if that mattered to Highland and Barry Edwards said no.

5  
6 Larry Mendenhall invited the applicant to speak. Glade Tuckett had no comments.

7  
8 Jerry Gorrell said he wanted to understand the sewer situation for lots 6 and 7  
9 better. Roger Dixon added that he would like to know what a grinder pump is.

10  
11 Larry Mendenhall said without a pump, sewage won't get to the line. Matt Shipp  
12 elaborated that lots 6 and 7 are too low in elevation to push the sewer effluence  
13 out to Westward Road without grinder pumps.

14  
15 Brian Braithwaite asked if the only option was a pumping station, and Matt Shipp  
16 replied that staff would prefer not to take that route. Brian Braithwaite asked who  
17 owns the properties below and whether they are interested in developing.

18  
19 Matt Shipp said the sewer falls to the south and west. Brian Braithwaite asked if  
20 the sewer will go out to 6000 West and Matt Shipp said yes. He added that the  
21 city will have PUEs that will allow future development. Brian Braithwaite asked if  
22 that meant the city would be able to go into the yards and Lonnie Crowell said  
23 yes.

24  
25 Lonnie Crowell explained that Glade Tuckett will continue to own this property  
26 until it can be hooked up. The neighbor, Kevin Birrell, doesn't want to develop at  
27 this time, but may possibly do so later. Glade Tuckett clarified that lots 6 and 7  
28 don't need to be sewerred at this time because he will hang on to them as pasture.

29  
30 Larry Mendenhall asked if that meant the subdivision would be developed in two  
31 phases, and Brian Braithwaite said it looked like it would actually be three. Larry  
32 Mendenhall asked what phase two would be, then, and Lonnie Crowell said in the  
33 future Jared Bishop, who lives across from Glade, will subdivide.

34  
35 Glade Tuckett said the seven acres shown on the proposal will be phase one, and  
36 Jared Bishop's possible future development will be phase two.

37  
38 Brian Braithwaite asked if the road will be a half road and Lonnie Crowell said it  
39 would have to be half plus 12. Glade Tuckett said Mr. Bishop intends to develop  
40 this summer, so the road will be completed soon, but for his phase he does intend  
41 to do half plus 12.

42  
43 Jerry Gorrell asked if the road will go to end of lot 7. Lonnie Crowell said if he  
44 develops that far then the road will be required to go that far. Brian Braithwaite  
45 asked for further clarification on whether lots 6 and 7 are part of phase one. Jerry

1 Gorrell observed that the subdivision probably wouldn't meet the density  
2 requirements without them.

3  
4 Jerry Gorrell said it makes sense not to do the road until the improvements are  
5 done. Brian Braithwaite agreed, but said the commission needs to be consistent.  
6 Larry Mendenhall asked Lonnie to provide some direction, observing that if phase  
7 one is done all together, that only leaves lot 5. Barry Edwards pointed out that it  
8 happens on a regular basis that a whole subdivision is approved then the  
9 developer records it in phases. He suggested it's preferable to approve the whole  
10 subdivision so lot sizes are locked in.

11  
12 Larry Mendenhall opened the public hearing.

13  
14 Kevin Birrell pointed out that in the background materials on the agenda, it  
15 provides a density of .579 units per acre, but that number isn't really true because  
16 it includes phases, and one gets a higher density by referring to whole thing.

17  
18 Larry Mendenhall asked if Mr. Birrell was taking issue with the density, and Kevin  
19 Birrell said he was just pointing out that it should be accurate. Larry Mendenhall  
20 asked if that meant he didn't want his property included. Kevin Birrell said he  
21 didn't want any part included that wouldn't be developed.

22  
23 Barry Edwards said he calculates that 7 lots are allowed by the ordinance. Kevin  
24 Birrell asked how that could be and Barry Edwards explained that in the R-1-40  
25 ordinance the targeted lot size is 40,000 square feet, which is smaller than an  
26 acre, and also that the ordinance allows developers to round up when calculating  
27 the permitted number of lots.

28  
29 Kevin Birrell said he owns the piece of land to the east of the proposed project,  
30 and asked what the plans are for that property, which is still in the County. Jerry  
31 Gorrell asked if he meant plans in regard to the road, and Kevin Birrell said yes.  
32 Commissioner Birrell told him he didn't think the city had any plans.

33  
34 Barry Edwards said once it's developed, there probably wouldn't be a lot of use for  
35 it. Kevin Birrell said he wanted to make sure that piece could go into Alpine. Brian  
36 Braithwaite told him the current meeting wasn't really the place for such a  
37 discussion, and that there was no problem with him keeping the property in the  
38 county. Barry Edwards added that Highland City wouldn't have any issues with  
39 Mr. Birrell annexing his property into Alpine, which was really a question for  
40 Alpine to answer.

41  
42 Larry Mendenhall said he thought the commission understood Kevin Birrell's  
43 position. He said there was no compelling reason Highland would want to annex  
44 the road, so more than likely it will attach to the property to the east. However,  
45 he stressed to Mr. Birrell that he couldn't guarantee that.

1  
2 Larry Mendenhall closed the public hearing.

3  
4 Brian Braithwaite asked Lonnie Crowell what the requirement for completing half  
5 plus twelve of the road would be tied to. Lonnie Crowell explained it would be  
6 tied to whatever the developer records. Brian Braithwaite asked for clarification  
7 that it's tied to recordation rather than approval. Lonnie Crowell said the specs of  
8 the road are defined during the approval process, but when it gets done is based  
9 upon recording. Jerry Gorrell asked if the motion should mention that, and Lonnie  
10 said no.

11  
12 Brent Wallace asked about the recommendation about animal rights. He said  
13 requiring buyers to sign something indicating their knowledge about the animal  
14 rights on the adjoining land would be the best way to protect everyone. Lonnie  
15 Crowell said if that's the commission's desire they would recommend a deed  
16 restriction. Brent Wallace agreed, saying he had to sign one regarding the mink  
17 farm neighboring him, and asked if a deed restriction would be problematic.  
18 Lonnie Crowell said no.

19  
20 Brian Braithwaite asked how two of the lots in a 7-lot R-1-40 subdivision could be  
21 under 30,000 square feet when the ordinance specifies up to 25% of the lots. Staff  
22 explained that the ordinance allows the developer to round. Thus since 1.75 of  
23 the lots are permitted to be under 30,000 square feet, the developer is allowed to  
24 round that up to 2.

25  
26 Barry Edwards asked if Kevin Birrell anticipated any problem because of the  
27 farming operations on his property. Kevin Birrell said yes, in fact he's just had  
28 problems recently with a frivolous lawsuit. Roger Dixon suggested that language  
29 should be added to the deed restriction about farming operations with early hours  
30 in the neighborhood. Brent Wallace asked if the restrictions for agriculture are  
31 more liberal than for contractors, who may only start work at 7 am, and Lonnie  
32 Crowell said yes, farming rights are protected in Highland.

33  
34 Brian Braithwaite suggested that Lonnie be asked to word the deed restriction and  
35 then bring it to the commission for final approval.

36  
37 **Motion by Roger Dixon, Planning Commission to grant preliminary approval of**  
38 **the Waterford Estates subdivision, subject to the recommendations of staff and**  
39 **the additional recommendations that the road be completed as required and that**  
40 **there be a deed restriction with respect to large animal and farming rights, to be**  
41 **defined by staff.**

42  
43 **Seconded by Brian Braithwaite.**  
44 **Unanimous vote, motion carried.**

1  
2 **Item 3: R-1-20 Zone ~ Public Hearing & Code Amendment**  
3

4 Larry Mendenhall invited Lonnie Crowell to summarize this issue.  
5

6 Lonnie Crowell said that during the review process for Grapevine Estates Plat B,  
7 City Council requested that after the Thomsons' applicant was complete, the R-1-  
8 20 ordinance should be changed to make the minimum requirement 20,000  
9 square feet for an R-1-20 lot.  
10

11 Roger Dixon asked why the frontage requirement would be changed as well. Brian  
12 Braithwaite said because the bigger the frontage, the better the lot looks. Roger  
13 Dixon said he wasn't sure he agreed and asked what's gained with five additional  
14 feet. Barry Edwards explained that City Council is looking for a zone that they can  
15 use as an infill zone without having it feel markedly different from the R-1-40  
16 zone. He added that when houses are spaced farther apart, there's a more open  
17 feeling.  
18

19 Roger Dixon countered that there's only a more open feeling in a neighborhood  
20 until everyone fences. He said open space is shared space, and he doesn't see the  
21 benefit of this change. Larry Mendenhall said it would increase the values and  
22 improve the look of R-1-20 lots, and Brian Braithwaite emphasized that it would  
23 make the R-1-20 zone more compatible with the R-1-40 zone. Roger Dixon asked  
24 if the minimum frontage for the R-1-40 zone is 120 feet and Lonnie Crowell  
25 clarified it's actually 130 feet. Roger Dixon said he wasn't convinced the  
26 difference in frontage between 110 feet and 115 feet would be discernable to the  
27 eye.  
28

29 Larry Mendenhall observed that since the proposal calls for the minimum lot size  
30 to be increased, the change in frontage is made as well to enhance proportions.  
31 Roger Dixon countered that for those designing an R-1-20 subdivision, the  
32 increase in minimum lot size is already limiting, but leaving the frontage  
33 requirement at 110 feet gives developers a bit more flexibility in designing lots.  
34

35 Lonnie Crowell said that currently many homes in Highland are built to the  
36 maximum square footage allowed by the setbacks. Houses of 5,000 – 6,000  
37 square feet or more are common. That means one side of the house is right up  
38 against the 10-foot public utility easement and on the other there's barely room to  
39 pull the cars out. Increasing the frontage requirement is an attempt to alleviate  
40 that. Roger Dixon observed that they could still only come so close to the property  
41 lines, because of the defined setbacks, and Barry Edwards suggested that if more  
42 space between homes was desired, the setback requirements could be increased.  
43

1 Jerry Gorrell asked staff to confirm that if this ordinance change was approved, it  
2 would mean no more lots under 20,000 square feet, unless there was an overlay.  
3 Lonnie Crowell said that was correct.

4  
5 Larry Mendenhall opened the public hearing.

6  
7 There were no comments from the public.

8  
9 Larry Mendenhall closed the public hearing.

10  
11 **Motion by Brian Braithwaite, Planning Commission to recommend that City**  
12 **Council approve the code change amendments to section 3-4203, Area and Width**  
13 **Requirements of the R-1-20 Zone ordinance, as recommended by staff.**

14  
15 **Seconded by Jerry Gorrell.**

16 **Motion passed with Jerry Gorrell, Larry Mendenhall, Brian Braithwaite, and Brent**  
17 **Wallace voting in favor and Roger Dixon voting opposed.**

18  
19  
20 **Item 4: Day's Meadow's Plat C ~ Public Hearing & Preliminary Subdivision**  
21 **Approval Request ~ Cancelled as per Applicant's Request**

22  
23 Larry Mendenhall explained that this item was cancelled as per the applicant's  
24 request. It's been rescheduled for July 10.

25  
26  
27 **Item 5: Parkstrip Ordinance ~ Code Amendment ~ Discussion**

28  
29 In regard to this item, Brent Wallace distributed some information on xeriscaping  
30 to the commissioners and staff. Larry Mendenhall observed that this is a  
31 discussion item, meaning it is not necessary for the commission to come to a  
32 conclusion this evening. He invited Lonnie Crowell to summarize the issue.

33  
34 Barry Edwards said he would start. He said he seconded what Commissioner  
35 Wallace gave out relative to xeriscaping. Many people mishear xeriscaping as  
36 "zeroscaping" but that's not what it is. He said one aspect of a quality community  
37 is mature trees, and when many people think of a valuable community, they  
38 picture a tree canopy over the street, such as appears at the end of movie Father  
39 of the Bride. For that reason, Barry said, he's surprised by the number of people in  
40 Highland who won't plant a tree in the parkstrip. The purpose of a parkstrip isn't  
41 to pour concrete, it's to create a buffer between the street and a landscaped lawn.  
42 This is the reason the city doesn't use monolithic curbs.

43  
44 Barry Edwards continued that the current ordinance calling for 75% vegetation in  
45 the parkstrip probably needs to be modified, but excluding all vegetation is

1 unacceptable. He said a compromise is needed. Watering is a concern, but if trees  
2 get large enough, they provide canopy that reduces the need for watering. He said  
3 the mayor has had calls from residents complaining about the 75% living  
4 vegetation requirement in the parkstrip, and the commission needs to determine  
5 what that percentage should be.

6  
7 Lonnie Crowell said another question the commission needs to consider is  
8 whether tree canopy counts, or if the percentage of living vegetation is counted at  
9 ground level.

10  
11 Brian Braithwaite said little bushes will grow up and look nice, but he worries  
12 that it wastes water. He said especially on a cul de sac, you can't water effectively.

13  
14 Jerry Gorrell said he refused to put trees in his parkstrip, since if he does he'll lose  
15 his view. Barry Edwards suggested he could preserve his view while still meeting  
16 the ordinance by putting in Buffalo juniper.

17  
18 Brent Wallace said he has very strong feelings about this issue. He explained that  
19 Colorado has a trademark on the term xeriscape, and that with it they came up  
20 with the concept of attractive but waterwise landscaping. He said he took pictures  
21 around the city of wasted water, and that a lot of it was caused by homeowners,  
22 but a lot was also caused by Highland City.

23  
24 Brent Wallace explained that one third of his own yard is water tolerant, with  
25 mulch, and that he only waters every second or third week. He said he feels the  
26 city has an opportunity to set policies that reflect its desert environment and set a  
27 standard that says we don't need acres of grass to have nice yards. He suggested  
28 this should be the policy all over the city, and parkstrips should be the number  
29 one target.

30  
31 Roger Dixon said he took out grass and put in stoppable ground cover in his yard.  
32 He seconded Commissioner Wallace's comments, and said he was enthused about  
33 revamping this policy. He suggested the commission's motto should be, "Rip the  
34 strip."

35  
36 Larry Mendenhall directed attention to the sample pictures of parkstrips that were  
37 provided in the agenda. He said in the pictures where there were only rocks, there  
38 was no tie in between the parkstrip and the yard, but whenever there was some  
39 vegetation in the parkstrip, there was a tie in. He added that he has a garden and  
40 he leaves dripping water on it every day, but uses less than 100 gallons of water.  
41 He has xeriscape in front, with daylilies, aspens, yucca, and Russian sage, all of  
42 which do fine with drip irrigation. In fact, he hasn't watered the Russian sage yet  
43 this year.

44

1 Larry Mendenhall continued that the question is how to define a workable policy.  
2 He said for him, specifying living vegetation on 50%, 35%, or even 30% of the  
3 parkstrip would be just fine. He said he wasn't sure if the vertical height was  
4 needed, and added he knows some people don't like the median strips, but he  
5 does. Jerry Gorrell agreed the median strips are lovely.

6  
7 Larry Mendenhall said he liked the chart that Lonnie Crowell had produced and  
8 that to him, 25% is appealing. Brian Braithwaite said he didn't agree if it was just  
9 a little bush, but if the vegetation were spread out a little, then he was happy with  
10 25%. Larry Mendenhall said he thought 25% would mean that at maturity the  
11 width and breadth of the tree would cover 25% of the parkstrip.

12  
13 Brent Wallace explained that the lower picture among the examples was his  
14 neighbor, whom he'd invited to attend the meeting. He said his neighbor's intent  
15 was that in five years the stamped concrete won't be noticeable because the trees  
16 should have touching canopies by then, and that's what will attract attention.  
17 Roger Dixon countered that in five years most of the trees will probably be dead  
18 because the water can't get in. Barry Edwards said that shouldn't happen because  
19 the city's list of approved trees is based on factors such as the size of the parkstrip.

20  
21 Larry Mendenhall said he'd like to hear opinions on the canopy. He observed that  
22 if the commission determines the canopy counts, then many of the examples  
23 would be acceptable.

24  
25 Lonnie Crowell pointed out that nothing in the current ordinance prohibits  
26 xeriscaping, it just says only 25% of the parkstrip can be non living material. If the  
27 commission wishes, though, it can refer specifically to xeriscaping, rather than  
28 just talking about coverage.

29  
30 Jerry Gorrell said one of the example pictures that shows only rocks in the  
31 parkstrip is his neighbor. He said it looks rough now, but the resident could plant  
32 trees every 15 feet, leave the rest, and meet the ordinance.

33  
34 Larry Mendenhall said the commissioners had three major items to address. The  
35 first is the percentage of coverage that should be required, the second is whether  
36 the percentage will be counted at ground level or at the canopy, and the third is  
37 the materials that will be permitted.

38  
39 Brian Braithwaite said he thought the current ordinance could be tweaked to  
40 make trees work the way the commission wants, and that it wouldn't even be  
41 necessary to change the 75% percentage, just to define it better. Jerry Gorrell  
42 disagreed, however, saying he thought there was advantage to reducing the  
43 requirement down from 75%. Brent Wallace said he's looked into what other  
44 communities do. West Jordan requires 50%, and Salt Lake, which has tried to do  
45 water saving, requires 33%.

1  
2 Lonnie Crowell observed that water saving would be done separately, as part of  
3 the municipal code. Brent Wallace commented that his neighbors had watered  
4 every day that week. Roger Dixon said people will continue to overuse water until  
5 they have to pay what it's worth, but Barry Edwards disagreed, observing that  
6 Highland City doesn't treat its water.

7  
8 Roger Dixon countered that if you were to market that water, you would charge  
9 more. Larry Mendenhall said if you reduce the percentage of living material, then  
10 you reduce water use, and that's his argument for reducing the percentage. He  
11 added that having four, five, or six plants in a 30-foot length, if they are the type  
12 that will spread out, can be pretty attractive. Roger Dixon said he thought 50% is  
13 a good percentage.

14  
15 Larry Mendenhall said the next issue is the materials that will be permitted, and  
16 asked whether the commission wanted to allow bark. Roger Dixon said no, unless  
17 it wants to require residents to nail down each piece. Larry Mendenhall said he  
18 thought the junk stone never looks good, and asked staff whether concrete should  
19 be allowed.

20  
21 Barry Edwards said he'd like to frame the discussion. He said there are two issues.  
22 The first is that people simply don't want to maintain the parkstrip. They're lazy  
23 and don't appreciate the aesthetics of them. The second is the water issue.  
24 However, Barry said he feels the water issue is often a red herring. He explained  
25 that there won't be an incentive to conserve water until the state code is changed.  
26 Currently the state policy is a lose it or use it policy. As an example, Salt Lake  
27 County has 2.5 million acre feet of water, of which they use about 500,000 acre  
28 feet.

29  
30 Barry Edwards stressed that the parkstrip issue is an aesthetic issue, and it always  
31 has been. He said it's the Planning Commission's job to worry about whether  
32 things look good, and the City Council's job to worry about water.

33  
34 Roger Dixon said saving water is still a bonus, but Barry Edwards disagreed. He  
35 said Highland needs to use its water and show beneficial use, or the city won't get  
36 to keep it. Brent Wallace said a time will come when the city no longer has the  
37 water, and Barry Edwards said he would agree except there's currently no  
38 commercial way to use water from American Fork canyon, since it's not potable. It  
39 goes into Utah Lake, and will until it's treated.

40  
41 Barry Edwards observed that Highland has some advantages that other cities  
42 don't. For example, Salt Lake has to treat Jordan River water. He said water  
43 conservation would be great, but asked the commission not to omit the idea that  
44 the parkstrip issue is about aesthetics. He also said that in regard to materials,

1 Matt Shipp has an issue with stamped concrete, and he agrees, because it seals off  
2 the ground. Pavers, on the other hand, would allow water in.

3  
4 Larry Mendenhall thanked Barry Edwards for his input. He said it was a shame  
5 Elizabeth Macfarlane wasn't there because the commission doesn't have many  
6 opportunities to legislate, but this is one of them. He added that the parkstrip  
7 should not be a dumping ground, though the city is seeing some of that.

8  
9 Larry Mendenhall suggested the commission could come up with a percentage for  
10 living vegetation and a list of acceptable materials. A list of trees has already been  
11 produced. He said the parkstrip should not create a problem in terms of  
12 enforcement.

13  
14 Roger Dixon asked what happens to residents who are out of compliance. Barry  
15 Edwards said staff sent them letters and is waiting for responses. Roger Dixon  
16 asked if such residents could be grandfathered in once the new policy is adopted.  
17 Barry Edwards said no. He added that the mayor asked the commission to look at  
18 whether 75% is too much, or too little.

19  
20 Brent Wallace said mulch would have to be allowed if residents are to be  
21 encouraged to xeriscape. Lonnie Crowell said he agreed, but the problem with  
22 mulch is it blows away.

23  
24 Brent Wallace observed that if people plant ground covers, they have to be given  
25 time to allow them to spread and reroot.

26  
27 Barry Edwards cautioned the commission to remember that there are two distinct  
28 soil types in Highland, clay and rocky. What works in one type might not work in  
29 the other.

30  
31 Lonnie Crowell reminded everyone that the city's current problem is the residents  
32 who are doing very little or nothing with their parkstrips.

33  
34 Larry Mendenhall said he was closing the discussion on this item for now.

35  
36  
37 **Item 6: Exchange of Open Space and Development Rights ~ Code**  
38 **Amendment ~ Discussion**

39  
40 Larry Mendenhall invited Lonnie Crowell to summarize this issue.

41  
42 Lonnie Crowell explained that, over several years, Highland has had a difficult  
43 time keeping small parcels of open space public, and preventing residents from  
44 encroaching on it. He said staff has tried several things, such as having residents  
45 fill out an improvement agreement. Staff has now devised a possible solution that

1 would allow residents to purchase property elsewhere in the city, then exchange  
2 that property, square foot for square foot, for the open space by their property. He  
3 added that the intent wasn't to carve up the city's trail system, but to trade small  
4 parcels of open space that don't fall within parks or trails for more usable parcels  
5 that could be used to build new parks. Roger Dixon asked how wide it would go,  
6 and Lonnie Crowell said City Council would decide that.

7  
8 Brian Braithwaite said he thought this was a great idea. He said the commission  
9 had made a mistake in its earlier vision of how open space would work, and this is  
10 a great corrective measure. However, he added that if this plan is going to work,  
11 then the places where it applies will need to be defined in advance. He said a list  
12 would need to be available so all residents don't assume they can come in and  
13 petition for this kind of exchange. He also said he didn't like the idea of a fund,  
14 observing that this policy should force additional land purchases.

15  
16 Larry Mendenhall said he'd had a conversation with Lonnie Crowell that had  
17 clarified how the procedure will work. The city will buy a piece of ground, there  
18 will be a value established, and then the exchange will occur.

19  
20 Brian Braithwaite said that should work perfectly, except the money shouldn't be  
21 used to pay for parks the city already has, instead of buying new land. Lonnie  
22 Crowell said the city just took out a bond for more than seven million to purchase  
23 a 10-acre piece of property for a park, and this policy could be used to pay some  
24 of that off.

25  
26 Brian Braithwaite agreed, but added he could see the value if the land hasn't been  
27 purchased already. However, if the land has already been bought and it's being  
28 used to make these agreements, then the city isn't getting more land, it's just  
29 receiving a payment.

30  
31 Barry Edwards observed that the city had just purchased 63 acres on a hillside,  
32 which technically isn't much different than the small parcels of open space being  
33 discussed. He said the city has adequate non active open space. What it's having  
34 trouble acquiring is big, usable pieces of open space.

35  
36 Brian Braithwaite said as long as the eligible land is identified up front, then  
37 added up and matched to the usable land the city wants, then he would be  
38 satisfied. Barry Edwards said he thought Commissioner Braithwaite's suggestion  
39 was sound. He added that the difficulty is finding usable pieces, especially with  
40 prices going up so fast. The city appraises property two or three times a month.  
41 He concluded that these will have to be quick transactions to make them work.

42  
43 Brent Wallace asked what would happen if a resident didn't object to the open  
44 space abutting his property and wasn't interested in purchasing it. Lonnie Crowell

1 stressed that the intent isn't to force residents to participate in this program.  
2 Participation will be voluntary.

3  
4 Brent Wallace asked if two neighbors could go in together, and Lonnie Crowell  
5 answered yes. Brian Braithwaite pointed out that the proposed language didn't  
6 talk about the parcel being adjacent to a trail, and not being part of parks, and  
7 said those details need to be added to the description of what will or will not be  
8 considered a "sending parcel." He also said he disagreed with the language about  
9 structures in section 3-4810(1)(e)(viii) and doesn't think the question of  
10 structures should be part of this policy.

11  
12 Lonnie Crowell asked Brian Braithwaite to clarify and he said he would remove  
13 the phrase "and structures" from section 3-4810(1)(e)(viii). Lonnie explained he  
14 put that language in to allow for agricultural structures, but it could be removed.  
15 Commission Braithwaite said that would be his preference, so that the policy  
16 would be kept as pure as possible.

17  
18 Brent Wallace asked what properties might currently be available and Barry  
19 Edwards said Patterson owns a 20-acre parcel in Alpine that might be a  
20 possibility. Brent Wallace asked if the city couldn't ask Patterson to buy it. Lonnie  
21 Crowell said it would take a boundary line adjustment, and other questions would  
22 follow, such as density and whether it would be open space or not.

23  
24 Roger Dixon asked about the relation between this proposal and the open space  
25 agreement that City Council approved last year. Barry Edwards said they would  
26 exist in parallel.

27  
28 Larry Mendenhall observed that the city needs to find a way to determine  
29 equivalent values for the parcels. Barry Edwards pointed out that it's not the value  
30 of the strip, but of what it would take to acquire the desired parcel. He said it will  
31 have to be an existing park the city owns, and it will have to roll forward.

32  
33 Roger Dixon suggested that the value of the property you're obtaining will  
34 determine the value of the property you're selling. Barry Edwards reiterated that  
35 the intent is to create more open space, not less, but to make it space people can  
36 use. Brian Braithwaite stressed that it's important to ensure that the policy  
37 finances the acquisition of better placed open space, rather than a prior purchase.

38  
39 Brent Wallace asked if staff had any idea what the value would be and Lonnie  
40 Crowell said multiple residents have asked the same question. He said the  
41 difficulty is getting them to pay market value, because they feel like they've  
42 already paid for it. Barry Edwards said they've determined a value of  
43 \$259,000.00/acre, which divides out to approximately \$5.50/square foot.

44

1 Barry Edwards said when it comes to financing, the city has some options. For  
2 instance, it could charge lower interest, and collect payments via utility billing.

3  
4 Larry Mendenhall suggested that one obstacle would be selling a piece of ground  
5 that's unusable. For instance, he said, if I have a strip behind my house that's 10  
6 feet by 100 feet and it run \$5.00 a square foot, that's okay. But an acre might be a  
7 different situation. And there can be no negotiation, in terms of price.

8  
9 Barry Edwards said that there hasn't been an economic distinction between  
10 residents of open space subdivisions and residents of regular R-1-40 subdivisions.  
11 Residents who picked lots in open space subdivisions did so for other reasons, not  
12 because the lots were smaller and less expensive. Their homes are every bit as  
13 lavish as those in the R-1-40 subdivisions.

14  
15 Barry Edwards concluded that the city can't sell any parcels for less than their  
16 replacement price. Brian Braithwaite reiterated that the parcels under  
17 consideration need to be clearly defined. Barry Edwards said he couldn't agree  
18 more, and suggested it might be necessary to evaluate the parcels piece by piece.

19  
20 Lonnie Crowell said he'll reference an attachment, which will be a notated  
21 subdivision map.

22  
23 Brian Braithwaite reiterated that he thought this was an excellent policy that  
24 creates a win-win situation for the city and its residents. Barry Edwards agreed,  
25 observing that at one point there was an ordinance in place saying open space has  
26 to be in larger parcels, and if that had been followed, the city would have more  
27 parks now. He added that the only subdivision that accomplished the goal was  
28 Dry Creek Bench, and it was only 25% open space.

29  
30 Brian Braithwaite observed that the problem the city has run into is that once you  
31 water next to the open space, the native grass turns to weeds.

32  
33 Larry Mendenhall thanked Lonnie Crowell for doing a nice job on the proposed  
34 ordinance.

35  
36  
37 **Item 7: Upcoming Meetings ~ Dates for Meetings**

38  
39 Larry Mendenhall explained that there are some changes to the regular Planning  
40 Commission schedule during the next two months. There won't be a meeting on  
41 July 24, which is a city holiday, so he suggested substituting a meeting on July 31,  
42 the fifth Tuesday in July. Then, in August, the regularly scheduled meeting for  
43 August 14 will be preempted by a City Council meeting on Truth in Taxation. The  
44 meeting for August 28 will be held as scheduled.

1 Brian Braithwaite clarified that the next Planning Commission meeting will be  
2 July 10, then there will be one on July 31, and then August 28.

3

4 Larry Mendenhall confirmed that schedule, and also informed the commissioners  
5 that City Council has a work session scheduled for July 10 from 5 pm until 7 pm,  
6 at which the commissioners' presence is requested.

7

8

9 **Item 8: Approval of Meeting Minutes for June 12, 2007**

10

11 **Motion by Roger Dixon, Planning Commission to approve the Meeting Minutes for**  
12 **June 12, 2007 as reviewed.**

13

14 **Seconded by Brian Braithwaite.**

15 **Unanimous vote, motion carried, with Jerry Gorrell abstaining.**

16

17 Meeting adjourned at 9:37 p.m.