

1 **Highland City Planning Commission**
2 **November 13, 2007**

3
4 **Present:**

5 Commissioner: Larry Mendenhall
6 Commissioner: Brian Braithwaite
7 Commissioner: Brent Wallace
8 Commissioner: Elizabeth Macfarlane
9 Commissioner: Roger Dixon
10 Commissioner: Jerry Gorrell

11
12 City Administrator: Barry Edwards
13 City Planner: Lonnie Crowell
14 City Engineer: Matt Shipp
15 City Planner: Carly LeDuc
16 Secretary: Dawn Corrigan

17
18 Excused: Jennifer Tucker

19
20 Meeting convened at 7:02 p.m.
21 Prayer given by: Brent Wallace
22 Pledge given by: Wyatt Lenhart

23
24
25 **Visitors: Erich Allen, Steve Babbitt, Denny Beddes, Neil Blackburn,**
26 **Braydn Bullock, Coltan Carrier, Bill Clark, Christian Coppieters,**
27 **Steve Coppieters, Christie Dalley, Hetuu Hardman, Daniel Kujanpää,**
28 **Tyler Kukahiko, Jon Larsen, Mr. Larsen, Wyatt Lenhart, Christian**
29 **Luciani, Juan Carlos Luciani, Tristan Lybbert, Mr. Maddox, Mitch**
30 **Mortensen, John Pehrson, Clayton Pettit, Josh Roberts, Mitch**
31 **Sumner, Taylor Woodman.**

32
33
34 **Item 1: The election of a Planning Commission Chair is postponed**
35 **until the first scheduled Planning Commission meeting of 2008.**

36
37 Larry Mendenhall explained that this item was postponed because the
38 composition of next year's Planning Commission has not yet been determined.

39
40
41 **Item 2: Summercreek Subdivision ~ Public Hearing & Request for**
42 **Preliminary Approval**

43
44 Larry Mendenhall invited Carly Leduc to summarize this issue.
45

1 Carly LeDuc explained that Stan Raass has requested a 12-lot subdivision. The
2 property is about 12.76 acres, and the proposal meets all requirements for the R-
3 1-40 zone. There are two issues with the proposal. The first is that they'll have to
4 abandon the ditch on the east side of the subdivision. In addition, there are
5 existing telephone poles on the property. According to the County, they should be
6 in the transmission easement. This will need to be clarified for lots 9, 10 and 11.
7

8 Roger Dixon said he would like more information about lot 10. On the plat it
9 looks like a fair amount is taken away by the power lines. Does the square footage
10 that's listed on the plat for that lot include that property? Also, what will the
11 footprint of the house look like?
12

13 Mitch Mortensen, the project engineer, said their surveyor did some research,
14 determining that the easement is on the other side of the property. The shaded
15 area is what they consider buildable.
16

17 Roger Dixon asked the dimensions of the buildable lot. Lonnie Crowell said the
18 buildable area is approximately 11,500 square feet. Larry Mendenhall asked if
19 that would still meet the requirements of the R-1-40 Zone. Carly LeDuc said yes.
20

21 Barry Edwards offered a point of clarification. He explained that if the power
22 company acquired an overhead transmission easement, it doesn't actually own
23 the land. The developer can build directly underneath the power lines if he
24 wishes.
25

26 Larry Mendenhall asked Mitch Mortensen if he's met with the power company.
27 Mitch Mortensen said not yet.
28

29 Elizabeth Macfarlane said she's also concerned about lot 10. It looks off, and
30 11,457 feet looks a bit small. It might make sense to make lot 9 and some of the
31 others larger. She told the applicant the commission doesn't want problem lots
32 such as they've seen in the past.
33

34 Brian Braithwaite said he went out and looked at the area but couldn't tell where
35 the power lines were. Mitch Mortensen said the overhead lines are on the
36 property. He showed them on the plat. Their research showed that the easement
37 wasn't on the property, but they decided to leave some extra room anyway.
38

39 Brian Braithwaite asked if they would try to build under the lines if it were
40 confirmed that the physical easement isn't on the property. Mitch Mortensen said
41 they'll have to look into it. These will be expensive lots, and building there could
42 be an issue, from a homeowner's standpoint. Brian Braithwaite said if that's the
43 case, why not consider Commissioner Macfarlane's suggestion about shifting lots
44 7, 8 and 9 to make them larger. He also asked if the road will be tied in all the way
45 and if there's one access point. Mitch Mortensen said yes. It will be tied into a
46 stubbed road.
47

1 Brian Braithwaite asked if Alpine is to the north of this property. Mitch
2 Mortensen said yes. Brian Braithwaite asked if Alpine residents were notified.
3 Mitch Mortensen confirmed they were. Barry Edwards said the lots in Alpine that
4 about this property are half acre lots.

5
6 Larry Mendenhall opened the public hearing.

7
8 Matt Peterson, who lives at the corner of Jonathan Road and Sampson, said he
9 has a couple of concerns. One is that there are 50 kids under 12 who cross that
10 road on their bikes every day. Therefore if this project is approved, the residents
11 would request a Stop sign be placed at the intersection of Jonathan and Sampson.
12 He also wondered if there's a reason there can't be an exit on the other side. Larry
13 Mendenhall explained the reason is because it hasn't been developed yet. There
14 will be an exit in the future once the other property is developed.

15
16 Mr. Peterson asked if that property is in the hands of a developer. Larry
17 Mendenhall said he wasn't sure, but he didn't think so. Brian Braithwaite said it
18 could be 40 years before that property is developed. Mr. Peterson reiterated that
19 in that case they would like to see a Stop sign, preferably going east-west.

20
21 Larry Mendenhall closed the public hearing.

22
23 Jerry Gorrell said he has no concerns other than those that have been voiced. He
24 thinks it sounds like a good plan to improve the usability of lot 10. Barry Edwards
25 said they did a calculation on impervious surfaces, including rooftops, driveway,
26 and sidewalks. The average is 6,000 square feet. Jerry Gorrell said the triangular
27 shape of the lot is what causes him concern. They'd have to place the home on the
28 north side of the buildable area. Other than that, Commissioner Gorrell likes the
29 looks of this proposal.

30
31 Brian Braithwaite said he's looked at lots in Lindon and Provo that have nice
32 homes under power lines. His observation is that the larger the home, the less
33 likely the residents want to be near the power lines. He added that based on the
34 size of the lots and the cost of land, he assumes these will be expensive homes.
35 It's hard to build a triangular house.

36
37 Brent Wallace asked for the ground clearance under the lines. Mitch Mortensen
38 said he didn't know. Commissioner Wallace suggested there could be a potential
39 safety issue, even if technically they're permitted to build under it. He asked for
40 an estimate. Is it 40 feet? Fifty feet? That would be a concern since houses in
41 Highland can go to a height of 35 feet. Mitch Mortensen said he wasn't sure.

42
43 Lonnie Crowell observed that the applicant is proposing a 30 foot setback from
44 the power line, which would probably put the home 60 feet from the property
45 line, in an attempt to avoid any problems with the power lines.

1 Elizabeth Macfarlane asked about the question of a second exit. She wondered if
2 the city will end up with another dead end street problem. Lonnie Crowell said
3 the other option is to do a cul de sac. However, the city will want that road to
4 connect up when the neighboring development occurs. Commissioner Macfarlane
5 asked where. Barry Edwards said there's a road to line up with, and showed it on
6 the plat.

7
8 Matt Shipp said stubbing the road offers a lot of future possibilities, as opposed
9 to putting in a cul de sac. Elizabeth Macfarlane said she's not advocating a cul de
10 sac. She wants to make sure a house won't butt up against the street when future
11 development comes in.

12
13 Brian Braithwaite asked the applicant if he'd talked to that landowner. Mitch
14 Mortensen said he's spoken with Mr. Taylor several times. They've done some
15 conceptual layouts, and showed how to connect up to Cooperview. Mr. Taylor has
16 been very cooperative. He wants to keep the door open to develop in the future.

17
18 Jerry Gorrell asked the applicant about the house and barn that stub into
19 Highland. Lonnie Crowell said it's Mr. Taylor's. Barry Edwards adding that his
20 property is bisected by the U.S. Aqueduct. Elizabeth Macfarlane asked if it's
21 possible to put a road over it. Barry Edwards said yes.

22
23 Larry Mendenhall asked Matt Shipp about the comment from the public asking
24 for a Stop sign. Would that be possible? Matt Shipp said he would envision a 4-
25 way stop there.

26
27 **Motion by Roger Dixon, Planning Commission to recommend**
28 **preliminary approval for the Summercreek subdivision, as per the 6**
29 **recommendations of staff:**

- 30 **1) That the ditch on the east side of the subdivision be abandoned by**
31 **the property owner; and**
32 **2) That the existing telephone power line is located on the property**
33 **and is not within the designated transmission line easement as**
34 **recorded in the Utah County records. This issue needs to be identified**
35 **in regards to the buildable area and property rights concerning lots 9,**
36 **10, and 11; and**
37 **3) That the applicant strictly adhere to the Dust and Mud Prevention**
38 **Plan; and**
39 **4) That any easements shown on the title report should be clearly**
40 **identified on the Final Plat; and**
41 **5) That the applicant obtain from the City a demolition permit for any**
42 **buildings to be removed; and**
43 **6) That the applicant will need to complete the remaining**
44 **requirements for the Final Plan per any Planning Commission**
45 **requirements and per the checklist prior to submitting for Final**
46 **Approval from the Planning Commission.**
47

1 **And with one additional recommendation:**
2 **7) That a Stop sign be recommended for the intersection of Jonathan**
3 **and Sampson.**

4
5 **Seconded by Brent Wallace.**
6 **Unanimous vote, motion carried.**

7
8
9 **Item 3: Blackburn Rezone of Pincock Property ~ Council Request**
10 **for Finding of Fact**

11
12 Larry Mendenhall explained this has been sent back by City Council, who
13 requested the Planning Commission enumerate a finding of fact for their
14 determination that a zone change is warranted. He asked Lonnie Crowell for a
15 brief synopsis.

16
17 Lonnie Crowell said on difficult topics the commission and City Council will use
18 findings of fact to support their decisions. City Council would like the support of
19 the findings the commission used to make its recommendation.

20
21 Larry Mendenhall said there's been much discussion about upzoning. This
22 request first came before the Planning Commission in September 2005. The
23 upzone was not approved at that time. A new applicant, Mr. Blackburn, recently
24 resubmitted the request. Commissioner Mendenhall said the basic requirement
25 of the ordinance is that the property should be surrounded by the target zoning
26 on three sides for the zone change to be approved. He assumes that's why City
27 Council sent it back to the commission.

28
29 Roger Dixon said he read through the Planning Commission and City Council
30 minutes. The Planning Commission findings had to do with the lot sizes to the
31 south; the surrounding school, church and highway; and the commission's
32 conclusion that rezoning would be consistent with homes in the surrounding
33 neighborhood. In addition, for the foreseeable future, no homes will be built on
34 three sides of the property. Furthermore, there is sufficient open space in the area
35 to maintain the desired look and feel even when it's zoned R-1-20.

36
37 Larry Mendenhall said bear in mind the subdivision to the south is a
38 nonconforming subdivision that was approved by the County in 1977. Therefore it
39 should not be unduly weighted. Roger Dixon said he wasn't weighting it unduly,
40 but it is what it is.

41
42 Brian Braithwaite said the city has made some decisions, one of which was to
43 define the city as R-1-40 for the most part. This property is zoned R-1-40, as is
44 the property on the west, north and east sides. There has to be a compelling
45 reason to upzone. Doing so will increase traffic on SR 74. He hasn't heard
46 compelling reasons, only financial ones.

1 Elizabeth Macfarlane agreed. She said it's a huge concern when the commission
2 goes against the general plan and changes zoning. The general plan is there for a
3 reason. Making this change also sets precedent for other developers.

4
5 Brent Wallace asked if there was a public hearing scheduled for this item. Larry
6 Mendenhall said no. Commissioner Wallace observed that the only adjacent
7 residential property is a nonconforming subdivision made up of small rancher
8 and split-level homes. A small R-1-20 subdivision would be more consistent than
9 an R-1-40 development. That accounts for 25% of the adjacent property. The
10 other sides are nonresidential uses. All homes on the east face away from this
11 property and have privacy fences along their lengths.

12
13 Brent Wallace observed that even with R-1-20 zoning, no more than four or five
14 lots will be allowed on the property. If it's left R-1-40, it can only be two lots. The
State Supreme Court recently ruled 5-0 in

1 Lonnie Crowell said such a stipulation is not actually in the ordinance. That's just
2 been the precedent. The last one had nonconforming lots on one side and they
3 were able to consider those lots sizes. In this case, the lots to the south are
4 between 24,000 and 26,000 square feet.

5
6 Elizabeth Macfarlane asked if the findings could include the fact that two or three
7 commissioners were absent from the meeting when the recommendation was
8 made. Larry Mendenhall said no.

9
10 Jerry Gorrell said the applicant had shown a preliminary plat that had five or six
11 lots on it, but they were under 20,000 square feet. That plat will have to be
12 withdrawn. Lonnie Crowell explained the applicant showed a concept plan for the
13 commission's benefit, but doing so isn't a requirement of the zone change
14 request. The commission is just deciding whether or not to rezone based on the
15 property. He said the ordinance requirements the applicant has to meet for
16 zoning are the parkway detail, square footage, and frontage.

17
18 Roger Dixon said what he found compelling is that this property is located next to
19 others that are similar in size. Therefore the rezone would be consistent with the
20 surrounding neighborhood. That was the basis for his decision in the voting.

21
22 In regard to the concern that this will set precedent, Brent Wallace pointed out
23 that this is a unique piece of property. The commission probably won't see
24 another property surrounded by a parking lot, a school, and nonconforming lots.

25
26 Elizabeth Macfarlane asked if this property is in the city's gateway corridor. She
27 said for her that's a compelling reason not to approve the rezone. Barry Edwards
28 said he could build a case to say the opposite, inasmuch as there will be more
29 houses that don't have to face the highway.

30
31 The chair said he would entertain a motion to enumerate findings to support the
32 previous motion. Brent Wallace asked about what he'd written up. Roger Dixon
33 said he liked it, but Brian Braithwaite said those weren't findings of fact, which
34 should be terse.

35
36 Larry Mendenhall said the question is whether this rezone supports the current
37 vision for Highland City. Roger Dixon said yes it does. The developer can build
38 the roadway in such a way that it won't be an eyesore, and will be consistent with
39 the neighborhood.

40
41 **Motion by Brent Wallace, Planning Commission to support its**
42 **previous recommendation that City Council approve the request to**
43 **amend the Zoning Map from R-1-40 to R-1-20 and the General Plan**
44 **Land Use Map from Open Space Residential – 1 to Open Space**
45 **Residential – 2 for the property at 10215 North Alpine Highway with**
46 **the following findings of fact:**

47 **1) that all homes on the east face away and have privacy fencing;**

- 1 **2) that there was no objection at the recent public hearing;**
- 2 **3) that the configuration of the property will not allow the developer**
- 3 **to maximize the number of lots according to R-1-20 zoning;**
- 4 **4) that we need to show as a city that we are willing to negotiate and**
- 5 **compromise to get more affordable housing, since there is a mandate**
- 6 **to do so after the Bluffdale vs. Sorenson Real Estate lawsuit;**
- 7 **5) that the property to the south, which constitutes 25% of the**
- 8 **bordering property, consists of a subdivision with smaller ranch**
- 9 **houses; and**
- 10 **6) that frontage is on a major arterial highway, which provides a**
- 11 **physical (sound and visual) barrier between this property and the R-1-**
- 12 **40 property across the street to the east.**

13
14 Larry Mendenhall asked for a summary statement from each commissioner.

15
16 Jerry Gorrell said his thinking was mixed on this issue. On page 16 of the agenda,
17 Kathryn Schramm reviewed the process for amending the general plan, saying
18 arguments should be founded on at least one of the following criteria: that there
19 was a mistake; that the community values and needs have changed; or that the
20 character of the neighborhood has changed. He said he does believe this change
21 is more consistent with the neighborhood. He would rather the zoning be R-1-40,
22 but he doesn't think the rezone does any damage to Highland. He's not worried
23 whether the applicant builds three or five homes. But if he were to vote today,
24 he'd vote against the rezone.

25
26 Brian Braithwaite said there would be no discussion if this were a black and white
27 issue. He doesn't see a compelling reason to make this change. The neighbors
28 aren't asking for it, the change isn't significant to those around it, and it would set
29 a precedent for people wanting to upzone.

30
31 Brent Wallace said this is a rare piece of property, and the feel of it warrants this
32 change. It won't come back to haunt the commission with precedent, and will
33 give more a consistent flow to neighborhood.

34
35 Elizabeth Macfarlane said she's on the fence about this one. She feels better about
36 the idea of five lots than six. She's concerned it's on a gateway corridor and still
37 won't provide affordable housing, which she thinks is an oxymoron in Highland.
38 But there's no compelling reason to approve this rezone.

39
40 Roger Dixon said the commission's findings of fact lead to three conclusions: 1)
41 that the rezone would be consistent with homes existing in the immediate
42 neighborhood; 2) for the foreseeable future, there won't be homes to the west,
43 north or east, so this won't be precedent-setting; and 3) there's sufficient open
44 space in the area to maintain the desired look and feel even when it's zoned R-1-
45 20.

1 Larry Mendenhall said he was opposed when the commission reviewed this
2 request earlier, and he's still opposed now. There's no reason for an upzone.

3
4 Roger Dixon asked what the guidelines require for findings of fact. Should the
5 commission be including them in the motion every time?

6
7 Larry Mendenhall said the commission needs to be thorough in its analysis and
8 in its statement of reasons for making a recommendation. However, applications
9 will still be sent back to the commission from time to time.

10
11
12 **Item 4: Highland Village Model Home Conditional Use Permit**
13 **Application ~ Public Hearing & Recommendation**

14
15 Larry Mendenhall summarized this item and asked Carly LeDuc if she had any
16 comments.

17
18 Carly LeDuc said staff has the same recommendation for this application as for
19 the other recent model home application in terms of occupancy date, since this
20 model home has been operational since September 26, 2007. She also explained
21 to the applicant that he's been in violation of the sign ordinance when she's
22 driven past a couple of times recently. Only one A-frame sign is permitted, and it
23 can't be on the sidewalk. Recently they've had two or three A-frame signs out at a
24 time. John Pehrson said he's learning about Highland's ordinances.

25
26 Elizabeth Macfarlane asked about the previous model home in Highland Village.
27 John Pehrson explained that home didn't belong to his company. Larry
28 Mendenhall asked if they had a Conditional Use Permit for it. John Pehrson said
29 they did not. He explained that he represents Apache, which bought the project
30 from Jay Erwin. They thought Jay had a permit, but it turns out he didn't.

31
32 Brian Braithwaite asked if this is the first model home the applicant has had in
33 Highland. John Pehrson said he would have to ask Apache. John's been with
34 Apache for two years and this is the first one he's seen.

35
36 Jerry Gorrell asked the applicant about parking spaces. John Pehrson said he
37 wasn't sure the right answer. He said they get one or two cars a day, and those
38 cars park on the edge of the road. Commissioner Gorrell asked how many
39 employees work at the model home. John Pehrson said one.

40
41 Brian Braithwaite asked if the applicant has received all the rules and zoning
42 regulations. Mr. Pehrson said he has the sign ordinance. Commissioner
43 Braithwaite said he meant ordinances concerning model homes. Mr. Pehrson
44 said he has the information that was included in the staff report, and asked if
45 that's complete. Lonnie Crowell said it is.

46
47 Larry Mendenhall asked if it's a landscaped lot. John Pehrson said it is.

1
2 Larry Mendenhall opened the public hearing.

3
4 There were no comments from the public.

5
6 Larry Mendenhall closed the public hearing.

7
8 **Motion by Elizabeth Macfarlane, Planning Commission to**
9 **recommend that City Council grant the Conditional Use Permit for a**
10 **model home at 10751 North Crestview Drive in Highland Village to**
11 **Apache Builders, subject to the following conditions and**
12 **recommendations of staff:**

13 **1) That the home meets all zoning regulations pertaining to model**
14 **homes; and**

15 **2) That section 3-4748(3) be strictly followed with emphasis on (f)**
16 **signage, and that all illegal signage at the current model home be**
17 **removed before the proposed model home is open; and**

18 **3) That the existing model home be returned to a home for sale as per**
19 **the ordinance as identified below within 30 days after the proposed**
20 **model home is closed.**

21
22 **Seconded by Brian Braithwaite.**

23
24 **Motion by Brian Braithwaite to amend the original motion to add that**
25 **the beginning date of the model home Conditional Use Permit should**
26 **coincide with the date on the Certificate of Occupancy.**

27
28 **Seconded by Jerry Gorrell.**

29
30 **Unanimous vote, amendment passed.**

31
32 **Amended motion, Planning Commission to recommend City Council**
33 **grant the Conditional Use Permit for a model home at 10751 North**
34 **Crestview Drive in Highland Village to Apache Builders, subject to all**
35 **conditions and recommendations of staff:**

36 **1) That the home meets all zoning regulations pertaining to model**
37 **homes; and**

38 **2) That section 3-4748(3) be strictly followed with emphasis on (f)**
39 **signage, and that all illegal signage at the current model home be**
40 **removed before the proposed model home is open; and**

41 **3) That the existing model home be returned to a home for sale as per**
42 **the ordinance as identified below within 30 days after the proposed**
43 **model home is closed.**

44 **And with one additional recommendation:**

45 **4) That the beginning date of the model home Conditional Use Permit**
46 **should coincide with the date on the Certificate of Occupancy**
47 **passed unanimously.**

1
2
3 **Item 5: Highland City “Mission Statement” ~ Discussion &**
4 **Recommendation**

5
6 Larry Mendenhall summarized. On October 2, City Council asked the Planning
7 Commission to review the Mission Statement and “Future Vision” statement.
8

9 Looking at the draft that was provided in the agenda, Larry Mendenhall said
10 certain words jumped off the page as perhaps a bit too highbrow. Barry Edwards
11 said it wasn’t the first time that observation has been made. However, he added
12 that in his opinion, one way to gauge a community is by benchmarking. The draft
13 of the Mission Statement attempted to say that Highland wants to be a
14 benchmark community.
15

16 Barry Edwards said he thinks one of the primary responsibilities of local
17 government is to maintain or increase property values for the residents. For most
18 people, their home is their greatest investment, and people don’t want that to lose
19 value. Also, the Mission Statement should set the bar high.
20

21 Brian Braithwaite said the Mission Statement is a statement out to the world that
22 says this is who the City Council, Mayor and staff of Highland are. Or maybe staff
23 wouldn’t even be included in that. The Mission Statement tells what their
24 function is and what they’re doing. Barry Edwards agreed with Commissioner
25 Braithwaite that the purpose of this statement is to give guidance to policy
26 makers. He said it was never the intent that the Mission Statement would become
27 part of the general plan.
28

29 Barry Edwards said the key elements that had been discussed were that we want
30 diverse public plans, that we could probably do a better job on housing, and that
31 we want to be a model for other cities in terms of how we deliver public services.
32

33 Larry Mendenhall said he thought the city would be missing an opportunity if the
34 Mission Statement didn’t fit across the board to elected officials, appointed
35 officials, and employees.
36

37 Roger Dixon said he’d taken an approach similar to that of Commissioner
38 Braithwaite, and read a draft with four bullet points. Elizabeth Macfarlane said
39 she thought when it comes to a mission statement, shorter is better.
40

41 Brent Wallace said a couple of single women live on his street. He doesn’t want
42 the mission statement to be exclusionary to them. He doesn’t think “family
43 residential” is negative, but if someone hasn’t been married or had a family, does
44 this language exclude them?
45

46 Jerry Gorrell said he’s seen a dozen mission statements, and only one
47 accomplished what the group wanted, and it was very specific in nature.

1
2 Larry Mendenhall said he liked the idea that Highland is an enviable city. His
3 first tendency was to make the statement more vanilla, but on reflection he's not
4 sure that impulse is right. Barry Edwards said we want it to be the best city it
5 possibly can, and to benefit the most people in the best possible way. Jerry
6 Gorrell asked why not have the mission statement say that.

7
8 Elizabeth Macfarlane said at her school, they started with a very long mission
9 statement, eventually paring it down to "Together we learn for life." Others
10 agreed that was a good mission statement. Barry Edwards suggested maybe more
11 time needed to be taken to craft the right mission statement for Highland.

12
13 Elizabeth Macfarlane suggested starting "Together we build a community of
14 respect." Brian Braithwaite suggested "To be the best city through our laws,
15 services and land use." Jerry Gorrell said he liked the word "together." Elizabeth
16 Macfarlane suggested "Together we build a better city."

17
18 Brian Braithwaite suggested "The best city through our laws, services, and land
19 use." Jerry Gorrell said he didn't want to add the word "through," since the city is
20 also built from other elements, such as volunteers. Barry Edwards said he
21 thought saying "laws" and "land use" is redundant.

22
23 Elizabeth Macfarlane suggested "Together we build the best city through service
24 and law." Lonnie Crowell suggested "Together we build the best city through our
25 values, services, and land use." Roger Dixon asked why not simply "Together we
26 build the best city."

27
28 Elizabeth Macfarlane suggested "Values, laws, services and community." Jerry
29 Gorrell suggested "Working together to build the best city." Roger Dixon
30 suggested "'Working together we will build the best city." Or simply "Best city."
31 Commissioner Braithwaite objected, however, that anyone could say that, and
32 Barry Edwards agreed.

33
34 Elizabeth Macfarlane suggested "Together we build, serve and grow to be the best
35 city." Barry Edwards said he liked everything there but he was struggling with
36 "best city." Larry Mendenhall suggested "Together we build, grow and serve."
37 Carly LeDuc suggested "Together we build, grow and serve for the future." Jerry
38 Gorrell suggested adding "working" to that: "Working together to build grow and
39 serve for the future." Brent Wallace tweaked that to suggest, "Working together
40 we build, grow and serve for the future."

41
42 Elizabeth Macfarlane said she thought opening with "together" was stronger.
43 Larry Mendenhall agreed.

44
45 The commissioners reached a consensus that their proposed mission statement is
46 "Together we build, grow and serve for our future."
47

1 Barry Edwards suggested making it “for Highland’s future,” but Roger Dixon said
2 that wasn’t necessary, as it will be appearing under the city logo and the heading
3 “Highland City Mission Statement.”
4

5
6 **Item 6: Highland City “Future Vision” and Definition of “Rural” ~**
7 **Discussion & Recommendation**
8

9 Barry Edwards said discussion of this item should focus on the definition of rural.
10 Roger Dixon countered that City Council had asked the Planning Commission to
11 look at the “Future Vision” statement as well as the Mission Statement.
12

13 Some of the commissioners were working from a draft of the Future Vision
14 statement that Commissioner Dixon provided them before the meeting. Larry
15 Mendenhall told Roger Dixon he liked his draft, which he was seeing for the first
16 time.
17

18 Discussion and ex parte discussion about the Vision Statement ensued, with
19 various edits being made to Commissioner Dixon’s draft.
20

21 Commissioner Mendenhall read the edited version of Roger Dixon’s draft, then
22 provided the Planning Secretary with the edited draft to enter into the minutes.
23

24 Larry Mendenhall said Lonnie Crowell may edit Commissioner Dixon’s draft
25 further if he wishes, with Mr. Dixon’s permission.
26

27 **Highland City Future Vision**
28

29 **Highland City is committed to maintaining a rural look and feel,**
30 **which is defined as open and aesthetic with many view corridors and**
31 **convenient access to trails, well dispersed parks, and open space**
32 **connected to the natural environment.**
33

34 **To ensure a rural atmosphere for the future by following these**
35 **guidelines.**
36

37 **In residential areas, encourage:**

- 38 • **wide lots with large front and side setbacks**
- 39 • **homes that do not maximize the allowed buildable area (mass**
40 **and height)**
- 41 • **mature trees, gardens and orchards**
- 42 • **minimal and open fencing such as split rail, picket and wrought**
43 **iron fences**
- 44 • **family-friendly neighborhoods**
45

46 **In commercial areas, require:**

- 1 • **limited and carefully planned commercial zones to provide**
- 2 **convenient access for residents**
- 3 • **traditional shopping centers or village greens rather than**
- 4 **arcade style commercial development such as strip malls**
- 5 • **gabled roofs and artisan-style architecture utilizing rustic**
- 6 **materials such as rock and timber**
- 7 • **significant landscaping**

8
9 **In common community areas, mandate:**

- 10 • **open common areas throughout the city and parks that are**
- 11 **useful and appealing**
- 12 • **an interconnected system of trails**
- 13 • **consistent parkway buffers along major roads**
- 14 • **open space and parks that are located along well-traveled right-**
- 15 **of-ways, to provide easy access for all**
- 16 • **preservation of greenbelt, ridges, and nature corridors, with a**
- 17 **commitment to avoid development on ridgelines**

18
19 **Continue Highland’s commitment to remain a great place to live, and**

20 **find ways to make Highland affordable for young families and for**

21 **residents of retirement age, allowing Highland to become a**

22 **permanent home for people who appreciate its natural beauty and**

23 **share its cultural values.**

24

25

26 **Item 7: Setbacks, Density, Building Mass ~ Discussion &**

27 **Recommendation**

28

29 Larry Mendenhall asked the commission to think about what setbacks gain for

30 the city. Brian Braithwaite said larger side setbacks and more frontage provide a

31 more open feel.

32

33 Brent Wallace asked about the field trip. Roger Dixon pointed out that at its

34 previous meeting, the commission said it would revisit this topic after the field

35 trip. Discussion ensued about the field trip. Elizabeth Macfarlane suggested it

36 should start in her neighborhood.

37

38 Jerry Gorrell asked about using a FAR (Floor Area Ratio) in relation to the 6,000

39 square feet Barry talked about earlier. Barry Edwards said the advantage to what

40 Commissioner Braithwaite mentioned is that it precludes the later temptation to

41 develop flag lots. He added that from a public safety/municipal service

42 standpoint, flag lots are very problematic.

43

44 Brent Wallace asked if making changes won’t create a problem with odd shaped

45 lots. Barry Edwards observed that the development code provides the authority

46 to avoid odd shaped lots. He said most of the odd shaped lots in Highland were

1 caused by utility corridors. They tend to disrupt things because they usually run
2 on a diagonal.

3
4 Brent Wallace asked Lonnie if the city would be on solid ground to increase the
5 setback by five or ten feet, or if that would just create more problems. Lonnie
6 Crowell said if you increase the frontage, you make everyone nonconforming. But
7 he doesn't know how else you avoid future subdividing. Barry Edwards suggested
8 one possibility would be to create a new zone.

9
10 Lonnie Crowell said a 6,000 square foot home on a 30,000 square foot lot has a
11 FAR of .2. Jerry Gorrell asked if that would include the garage. Lonnie Crowell
12 said usually it wouldn't, but that can be defined in the ordinance.

13
14 Lonnie Crowell said the current situation allows infill very easily. It would be nice
15 if the Planning Commission could decide now where they feel that kind of infill is
16 okay, then add a new zone for the other areas. Brent Wallace asked if it will be
17 checkerboard. The commission reviewed the map Lonnie Crowell had provided,
18 showing the remaining undeveloped parcels in Highland.

19
20 Jerry Gorrell asked about specifying 150 feet of frontage. Barry Edwards
21 suggested maybe 150 feet isn't a magic number. Lonnie Crowell said if you keep
22 frontage at 135 or 140 feet, it's still possible to get a road in the middle. Barry
23 Edwards said you can use square footage to counteract that.

24
25 Larry Mendenhall said it would be helpful if staff developed an optimal set of
26 parameters. Lonnie Crowell asked what the goal would be. Larry Mendenhall said
27 to increase side setbacks and include a FAR. Lonnie Crowell observed that such
28 information was provided in the staff report. Barry Edwards suggested that
29 perhaps the commission would like to see alternatives.

30
31 Larry Mendenhall said he recognized the work staff has already done. What he'd
32 like to see is a one size fits all solution. Lonnie Crowell said it would probably be
33 better to keep 130 feet of frontage and figure out a smaller square footage and
34 FAR.

35
36 Larry Mendenhall asked about the objective. Is it to standardize infill, or is it to
37 create a new zone for undeveloped property with increased setbacks and different
38 density? Lonnie Crowell said the original directive was to look at all of Highland
39 and determine whether the commission is okay with the current setbacks and
40 other criteria. When he started looking at the current ordinances, he saw that
41 infill is too easy right now.

42
43 Larry Mendenhall said the commission will continue discussion on this topic
44 after its field trip.

1 **Item 8: Geologic Hazard Ordinance ~ Discussion**

2
3 Larry Mendenhall said that in regard to this item, it appears the city will need to
4 spend some money to get a geologic survey completed. He asked staff if funding
5 is available for this project, and also what the impetus is. Is it necessary to
6 complete such a survey to protect the city from liability?

7
8 Barry Edwards said even if the city were to spend a lot of money on a consultant,
9 it would still be less than 10% of the cost the city has spent fixing things. Lonnie
10 Crowell said he doesn't know the exact figure for what's been spent in Northwest
11 Highland to fix streets and homes that are moving, but staff would like to hire an
12 engineering geologist to produce hard data on the collapsible soil up there.

13
14 Barry Edwards explained that what staff is looking for from the Planning
15 Commission is a recommendation back to City Council to hire an engineering
16 geologist to study soils and bring a report back to the commission. Staff would
17 then update the map and draft an ordinance, such as requiring piling footings, to
18 compensate for the soil. The budget for this project would probably be close to a
19 couple hundred thousand. However, the city has already spent \$800,000 plus on
20 fixing roads. To put things further in perspective, he suggested the commission
21 consider the cost if even one house in Highland were to go down.

22
23 Elizabeth Macfarlane asked why the city needs to do this, rather than a developer.
24 Lonnie Crowell explained that at a meeting he attended recently, it was reported
25 that there are only ten people in Utah who are qualified to perform such studies,
26 of whom five provide inaccurate results. Commissioner Macfarlane asked who
27 the city would hire, that being the case, since clearly the city doesn't want to hire
28 one of those people. Barry Edwards said the city would review candidates'
29 qualifications very closely. Also, since the selected candidate would be working
30 for the city, not for a developer, the potential conflict of interest wouldn't exist.

31
32 Brent Wallace asked if there's already a geologic hazard map available. Lonnie
33 Crowell said the map provided in the staff report is from the state. It shows many
34 hazards, but not collapsible soils, which are Highland's biggest problem.

35
36 **Motion by Brian Braithwaite, Planning Commission to recommend**
37 **that City Council pursue the hire of an outside party with expertise in**
38 **geologic hazards to produce mapping of this area.**

39
40 **Seconded by Roger Dixon.**
41 **Unanimous vote, motion carried.**

1 **Item 9: Commercial Tenants ~ Conditional Uses ~ Discussion**

2
3 Larry Mendenhall provided a brief synopsis of this item. Lonnie Crowell said the
4 CR zone already works this way. The proposed ordinance change would make
5 other commercial zones conform with it.

6
7 Barry Edwards explained that the Conditional Use Permit requirement was set up
8 this way at first because Highland was ambivalent about commercial. However,
9 now that the buildings are there, it's desirable to have tenants in them.

10
11 Brent Wallace asked what would be gained by this change. Barry Edwards said it
12 would reduce red tape and make it easier for businesses to get started in
13 Highland.

14
15 Jerry Gorrell observed that there's already a list of approved uses for each zone in
16 the Development Code. Brian Braithwaite said the problem occurs when the
17 proposed use is in gray area between clearly permitted uses and ones that aren't
18 permitted. The difficulty is how to write the ordinance to say that everything in
19 the gray area should appear before the Planning Commission.

20
21 Barry Edwards said it's not as difficult as it sounds. When an application is for a
22 new type of business, staff refers it back to City Council anyway for the business
23 license. For example, recently there was a business license application for a
24 business involving firearms. Initially Barry wasn't comfortable with that.
25 However, as it turned out, the applicant wasn't selling firearms out of his home.
26 He was selling over the Internet, and shipping directly from the warehouse to the
27 client, which Barry found acceptable.

28
29 Larry Mendenhall asked if it was the case that approving this item would mean
30 staff could work with applicants when their application was for a previously
31 permitted use. Barry Edwards agreed, giving the example of a bank. Lonnie
32 Crowell observed that the building itself has a huge impact on what's permitted,
33 and buildings will still have to go through the approval process before Planning
34 Commission and City Council.

35
36 Larry Mendenhall asked if staff wanted a motion. Brian Braithwaite suggested
37 staff should bring this item back before the commission for a public hearing at a
38 future meeting.

39
40
41 **Item 10: Mutual Lot Line Plat Amendments ~ Discussion**

42
43 Lonnie Crowell explained that the purpose of this item is to make a simpler
44 process for applicants with simple lot line adjustments. Staff is proposing that the
45 Planning Commission would be the legislative body for such applications.

1 Roger Dixon asked why such applications wouldn't go before the Board of
2 Adjustments. Staff explained these aren't variance requests. Barry Edwards
3 added that previously these applications were handled administratively and
4 didn't appear before the legislative body at all. Commission Dixon asked why they
5 can't continue to be handled that way. Barry Edwards explained that the County
6 won't record them anymore if they are.

7
8
9 **Item 11: Approval of Meeting Minutes for October 23, 2007**

10
11 **Motion by Brian Braithwaite, Planning Commission to approve the**
12 **Meeting Minutes for October 23, 2007, as amended.**

13
14 **Seconded by Brent Wallace.**
15 **Unanimous vote, motion carried.**

16
17
18 Meeting adjourned at 10:35 p.m.