

Highland City Planning Commission

November 8, 2005

Present:

Commissioner: Steve Draper
Commissioner: Mike Walch
Commissioner: Larry Mendenhall
Commissioner: Brian Braithwaite
Commissioner: Jennifer Tucker

City Council: Gwyn Franson
City Administrator: Barry Edwards
City Engineer: Matt Shipp
City Planner: Lonnie Crowell
Secretary: JoD'Ann Bates

Excused: Jeff Clyde, Bryce Flanary

Meeting convened at 7:07 pm
Prayer given by: Larry Mendenhall
Pledge given by: Mike Walch

Visitors: Chris Dalley, Rob Clauson, Daren Gates, McKay Christensen, Theron Stoddard, Glen Vawdrey, Tom Harward, Connie Strang, Robert Strang, Jim Gillman, Greg Rowberry, Matt Brown, Linda Robbins, Curtis Robbins, Sharleen Sheilds, Mike Schoenfield, Caleb Warnock.

Item 1: Pebble Lane Subdivision - Preliminary Approval

Darren Gates stated that this project has been in collaboration with the Tom Harward property and feels that by coming together they have been able to make a better subdivision than what was previously proposed. Steve Draper inquired if UDOT had been contacted in regards to access for lot 2. Darren stated that there will not be an access off the Highway for lot 2, that a shared drive will service lots 1, 2, and possibly lot 3.

Mike Walch inquired regarding the frontage on lot one and what direction the home would be required to face. Darren Gates indicated that the frontage is taken off the Highway side. The home could either face the highway or into the subdivision. Mike commented that lot 3 did not show having enough frontage. Darren stated that there had been some changes and he will verify the minimum 130 foot of frontage for lot 3.

Larry Mendenhall inquired regarding the homeowners having animal rights. Darren Gates stated that based on the ordinance it would allow for them to have animal rights but it is something that would also be addressed in the CC&R's.

Larry Mendenhall inquired regarding the canal and what ability the property owner would have to use that portion of the easement property once the canal is covered. Darren Gates stated that they will not be able to build anything on it but fences and landscaping would be able to be placed on the easement. Darren stated they could address that in the CC&R's and on the plat if the commission felt it was necessary. Larry felt that there should be some kind of a disclosure indicating limitation of use on the canal easement and a note be placed on the plat.

Discussion ensued.

Tom Harward stated that one thing that is accomplished by this subdivision is that the existing homes will now come into compliance with the current city ordinance.

Barry Edwards stated that the south west corner of lot 2 would need to have an easement to accommodate the road alignment of the East/West Corridor. Darren stated that they were not aware of that issue but would be willing to make the adjustment.

Steve Draper inquired regarding the parkway detail. Darren Gates stated that the parkway detail would be shown on the final plat and will be similar to that of Mystic Cove's detail. Steve stated a concern regarding the home on lot 2 facing the Highway and having a fence along that detail. Barry stated that in facing the home towards the highway it would make the fence at least 30 feet back from property line.

Steve Draper inquired as to how wide the private drive would be back to lot 2. Darren Gates stated that a 12' drive would service lot 2 and a 12' drive would service lot 3, making a total of 24'.

Glen Vawdrey indicated that there is an existing well on the property and had a concern as to what was being planned for that well. Darren stated that based on where it ends up being located once the final plat is done, the well would probably be capped.

Motion by Mike Walch, Planning Commission grant preliminary approval for the Pebble Lane Subdivision subject to the following conditions, 1) All staff comments 2) Lot 3 frontage be adjusted to meet 130' minimum requirement, 3) A note be placed on the plat and in the CC&R'S specifying the restrictions created by the access easement for lot two and the existing canal easement, 4) The plat show the orientation of the homes, 5) City be given and easement along the south west corner of lot 2 for the future East West Corridor, 6) Resolution to the well being capped or left after determination of location, 7) Confirmation of the 24' drive between lots 1&3, with assurance frontages are not compromised.

Second Larry Mendenhall.

Unanimous vote, motion carried.

Item 2: Stoneshire Subdivision - Preliminary Approval

Steve Draper reviewed the background and information. Steve stated that on October 4, 2005 the City Council had approved the zone change from R-1-40 to R-1-20. Steve inquired if the applicant had received the staff comments and if they had any problems with those comments. Rob Clauson stated they were fine with the comments. Rob stated that phase 2 will have 4 lots eventually; they will have to stand on their own merit and come back at the time they are ready to develop.

Steve Draper inquired about acquiring the additional acreage for lot 2. Rob Clauson stated that they would take care of the plat amendment for Dixie acre lot 8 and acquire the needed square footage in order to make lot 2 a better lot.

Steve Draper stated there had been some concern with some residents in the area regarding increased traffic. Steve felt that the only traffic that would come into this area would be those living or visiting there. He does not see through traffic coming in to this neighborhood that would cause a problem. Rob stated that in going north it dead ends into a T and feels that the traffic would not be an issue.

Rob Clauson stated that their proposal was to construct a trail along the south side of the subdivision and next to the irrigation ditch. They will line the ditch with fabric and rocks, making it a nice trail walkway, while keeping natural vegetation as much as possible.

Discussion ensued.

Motion by Larry Mendenhall, Planning Commission grants preliminary approval to the Stoneshire Subdivision subject to the following, 1) All staff comments with the deletion of #9 which is does not apply to this subdivision, 2) The existing structure on lot 29 and 30 meet he existing setback requirements or be modified to meet those requirements, 3) A note be placed on the plat indicating there are existing animal rights on surrounding properties to include the properties in phase 2.

**Second Jennifer Tucker.
All in favor, with Brian Braithwaite opposing.
Motion carried.**

Item 3: Beacon Hill Plat H - Final Approval & Public Hearing

Steve Draper reviewed the information regarding the proposed plat. Steve stated that there are two remaining planning issues. First concern is the availability of water service. Barry Edwards stated that the balance of the water main has been engineered and they are

working with the developer for the installation of that water line. Matt Brown is doing the engineering and working with the developer MacKay Christensen. Steve stated that he feels that one of the contingencies would be that there should not be a building permit submitted until water services are available for culinary as well as emergency.

Steve continued that the second concern is that the annexation be completed. Barry Edwards stated that the bulk of the work has been done and they are working through the clerical details at this point.

Steve Draper inquired regarding staff comment #8. Barry Edwards stated that both the developer and the city has looked at the calculations and have verified that the open space does meet the requirements.

Brian Braithwaite inquired as to when the tank would be completed. Matt Shipp stated that the water tank is under construction and will be completed by the end of December, January at the latest.

Steve Draper opened the public hearing. Hearing no public comment, Steve closed the public hearing and brought the issue back to the commission for further discussion.

Motion by Brian Braithwaite, based on the finding of fact that the water tank is under construction and to be completed by the first of the year 2006, Planning Commission recommends City Council grant final approval for the Beacon Hill Subdivision Plat H subject to, 1) All staff and Planning Commission comments, with the deletion of item #13 due to the fact that it does not apply to this plat.

**Second Mike Walch.
Unanimous vote motion carried.**

Item 4: Medium Animals - Code Amendment - Discussion

Steve Draper reviewed information regarding this request by City Councilwoman Kathryn Schramm. Steve stated a concern as to how the city would be able to put a start and stop time frame on those medium animals. He feels that this would open a problem and he is not sure the city wants to make that disservice to the current residents.

Discussion ensued.

Steve Draper would like to thank Lonnie Crowell for the time and effort he had made in presenting this information to the commission and feels that upon commission discussion there is no way to implement this with out causing a problem.

Larry Mendenhall stated that he feels the current ordinance addresses the issue of animals to the extent necessary and sees no reason to make a change. Mike Walch stated that the impacts of sheep are comparable to horses and he would need a lot of convincing to

change the ordinance.

Steve Draper stated that he feels this body is unanimously against the continued discussion of this issue.

Item 5: Sensitive Land - Code Addition - Discussion

Lonnie Crowell stated that after meeting with the City Attorney it was suggested that an ordinance be written that protected the sensitive areas within Highland, being the hillsides and floodplains. The City Council placed a moratorium on these properties for a temporary zoning designation as permitted by recent amendments to the LUDMA. The purpose of the ordinance instead of a zone is to protect the city from potential taking claims. Lonnie concluded that he and the City Engineer have worked to create requirements and restrictions within these areas that will protect the city and the property owners from potential hazards.

Steve Draper inquired if the City Attorney had an opportunity to look at this proposal. Lonnie Crowell stated that he had spoken with David Church a number of times but he has not seen the final draft. Steve Draper recommended that David Church take a look at this prior to the next Planning Commission meeting.

Discussion ensued.

Steve Draper stated that he would like the commissioners to take a look at the proposed ordinance and get any comments and concerns back to Lonnie for his information before bringing it back to the commission.

Item 6: Approval of Meeting Minutes for October 25, 2005

Motion by Mike Walch, Planning Commission approves the meeting minutes for October 25, 2005 as amended.

**Second by Brian Braithwaite.
Unanimous vote, motion carried.**

Meeting adjourned at 8:40 pm.