



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION AGENDA

Tuesday, September 28, 2021

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

VIRTUAL PARTICIPATION



YouTube Live: <http://bit.ly/HC-youtube>



Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Commissioner Audrey Moore

Pledge of Allegiance – Commissioner Tyler Standifird

1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

a. [Approval of Meeting Minutes](#) *Administrative*

Regular Planning Commission Meeting – July 27, 2021

3. [PUBLIC HEARING: MINOR SUBDIVISION FINAL PLAT: MADDOX SUBDIVISION](#) *Administrative*

The Planning Commission will consider a request by Travis Maddox for Final Plat approval for Maddox Subdivision, a proposed 2-lot single family subdivision with a remnant parcel located at approximately 4764 W 11200 N. The Planning Commission will take appropriate action.

4. [DISCUSSION: SHIPPING CONTAINERS](#) *Administrative*

Presentation and discussion of a possible amendment to the Development Code to regulate shipping containers. This item is being presented for discussion only.

5. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. **Future Meetings**

- October 5, City Council Meeting, 7:00 pm, City Hall

- October 19, City Council Meeting, 7:00 pm, City Hall
- October 26, Planning Commission Meeting, 7:00 pm, City Hall
- November 9, City Council Meeting, 7:00 pm, City Hall

Legislative: An action of a legislative body to adopt laws or policies.

Administrative: An action reviewing an application for compliance with adopted laws and policies.

ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

ELECTRONIC PARTICIPATION

Members of the Planning Commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

CERTIFICATE OF POSTING

I, Kellie Smith, the Planning Coordinator, certify that the foregoing agenda was posted at the principal office of the public body, at the Lone Peak Fire Station and Lone Peak Police Station, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website (www.highlandcity.org).

Please note the order of agenda items are subject to change in order to accommodate the needs of the Planning Commission, staff and the public.

Posted and dated this agenda 23rd of September, 2021.

Kellie Smith, Planning Coordinator

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.



HIGHLAND CITY

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Tuesday, July 27, 2021

Waiting Formal Approval

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

VIRTUAL PARTICIPATION

 YouTube Live: <http://bit.ly/HC-youtube>

 Zoom: Call 1-346-248-7799 Meeting ID: 820 3295 1846

 Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mino Morgese, Commission Vice Chair

Invocation – Commissioner Claude Jones

Pledge of Allegiance – Commissioner Christopher Howden

The meeting was called to order by Planning Commission Vice Chair Mino Morgese as a regular session at 7:00 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Christopher Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Claude Jones.

PRESIDING: Commissioner Mino Morgese

COMMISSIONERS

PRESENT: Christopher Howden, Claude Jones (*electronically*), Audrey Moore, Mino Morgese, Alternate Tyler Standifird

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White

OTHERS PRESENT: Nick Wood, Carol Cooley, Amy Lucas, Trevor Lucas, Sandy Packard, Dennis Packard, Michael Burns, Todd Trane, Ken Burg, Tyrell Gray

1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

Resident Nick Wood voiced concern with the Millhaven Development near Mitchell Hollow Park. He has had a problem with trespassers, which recently included law enforcement, because of a pond on his property. He

voiced concern that the trail for the development was two feet off his property line with only a split-rail fence that provided no security or privacy. Mr. Wood said adults and teens were the only ones who trespassed so far but worried that the trail would bring kids who might wonder near the pond. He wanted the city to understand the increased level of risk in the area because of the trail. He also wondered if there were plans for additional fencing.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

a. Approval of Meeting Minutes Administrative Regular Planning Commission Meeting – June 22, 2021

Commissioner Howden MOVED to approve the minutes for the June 22, 2021 Planning Commission meeting. Commissioner Moore SECONDED the motion. All present were in favor. None were opposed. The motion carried.

3. PUBLIC HEARING: MINOR SUBDIVISION FINAL PLAT: CHASE LOT *Administrative*

The Planning Commission will hold a public hearing to consider a request by Millhaven Development for approval of a proposed 1-lot subdivision located at approximately 6418 West 10250 North. The Planning Commission will take appropriate action.

Ms. Smith reviewed the details of the application. She explained that a trail easement was dedicated to the city over private property in 2002. It was requested that it be moved at this time by the developer. She said the requested 1-lot subdivision complied with the R-1-40 zone and the remaining square footage would be added to other lots. Ms. Smith explained that Millhaven and the property owner were making the request together. She said Millhaven represented the property owner in the request.

Commissioner Morgese opened the public hearing at 7:10 PM and asked for public comment.

Resident Carol Cooley asked about relocating the trail. Ms. Smith showed that the trail would be regraded and stubbed out. She said the trail would be shifted onto city property. Ms. Cooley wondered if the area where the trail was relocated to was considered wetlands. Ms. Smith showed the area that would be relocated and regraded.

Resident Amy Lucas wondered how close people would be able to build to the trail. She said the topography in the area was very steep on the other side. She explained that there was a lot of space on her property that could not be built on. She wanted to ensure that other property owners could not build up to the trail like they couldn't. Ms. Smith showed the map and explained that the wetlands stopped on the east side of the trail and did not extend to the west side. She explained that the same would not be required of the property owners on the west side. They would have to follow the development code requirements for typical residential lots. She reviewed the setback requirements for the R-1-40 zone.

Resident Trevor Lucas wondered if the developer was planning to expand the lots on the west. Todd Trane, representing Dwain Chase and Millhaven, said they technically could add property to a lot to the west by doing

a plat amendment. He said, currently, Mr. Chase wanted to retain about one and a half acres. He said Mr. Chase was selling it as a 1.48-acre lot. Mr. Trane said anyone in the future could sell off part of the property to a neighbor, but he could not predict what would happen in the future. He explained that Mr. Chase had a very long strip of property that was undevelopable. Millhaven wanted to clean up the area and extend lot lines to the trail. He said Millhaven met with Mr. Chase and they came to a win-win agreement.

Resident Sandy Packard mentioned that she and her husband had a case in the 4th District Court against Highland City over the Millhaven Development. She said they often walked the narrow trail. The west side was wilderness area on the Chase property and the east side was backyards. She said there currently was a semblance of a trail in the wilderness. She said that if backyards were extended to the trail, then fences would be built, turn the area into an alley and discourage people from going to the area. She encouraged the Planning Commission to not approve the lot.

Resident Dennis Packard also mentioned the case against Highland City. He said the fundamental point they were making in the case was that landowners and developers had rights to use property, but so did citizens that moved into a city. He said it had to do with the General Plan. He said Utah law said there were specific things for public uses that must be followed once it was set. He read Section 10-9a-406 and said the city attorney advised the City Council contrary to the law. He said the law also stated that cul-de-sacs should be avoided if there was any way they could be connected. If they could not be avoided, they should be less than 200 feet. He said the cul-de-sacs violated the law. He also believed that traffic load was violated. He said Highland City was committing an illegal act if they allowed Millhaven to proceed. Commissioner Morgese reminded him that the Millhaven Subdivision was not being discussed as part of this application. Mr. Packard said they were advocating a more eastern exit from the development. He said the effort of trying to make this lot was simply a way of blocking the eastern route. He advised the Planning Commission to not approve the application because the case was still pending and could block a way that allowed it to be fixed. He said he tried to talk to Millhaven who told him the plan would not be changed because it was already designed.

Commissioner Howden talked about rights of property owners. He said this was an administrative action and that the Planning Commission was not in a position to dismiss the application.

Mr. Packard said it was the Planning Commission's obligation to make sure that the city observed the public use according to the General Plan and not contribute to it not being satisfied. He said it was not well understood by staff and officials in the city. Mr. Packard said it was an administrative decision that that parcel would contribute to blocking a way of fixing the other thing. He said it gave more ammunition to Millhaven to say that the city went along with them. He talked about Millhaven suing the city if their development didn't get approved.

Mr. Morgese reminded him that the discussion was not about the master plan for the Millhaven Subdivision. Mr. Crane added that this was a request for a 1-lot subdivision on property owned by Mr. Chase represented by Millhaven. He said the criteria being reviewed by the Planning Commission and the city was whether or not it complied with the R-1-40 zoning district. Any relationship or anything related to development adjacent to was irrelevant at this point because it was not included or proposed to be part of the other subdivision. He said it was a development that stood on its own that was reviewed for its merits. He said a fence could be built on the eastern property line today. Because of this, fencing would not be reasonable justification to turn down a subdivision plat. He pointed out that, currently, a home could also be built on the property.

Resident Michael Burns thought he might be the most effected neighbor because the relocation of the trail would mean a lot of changes to his landscaping. He talked about the need to fill in his property and change the layout of his backyard. He recognized that they had the right to develop it but wanted to make sure that there

was some kind of requirement or notation about the need for an agreement for how his yard was taken care of and who would pay for it.

Commissioner Moore wondered if his landscaping was on the city easement. Mr. Burns had not had it surveyed and did not know where the property line was.

Mr. Trane explained that he tried to stop by and speak with Mr. Burns several times. He said the current plans showed a retaining wall on city property. A new retaining wall would follow the edge of trail as it came up to city property. He wanted to speak with Mr. Burns so they could come to an agreement about what would be done on Mr. Burns property. He said legally Millhaven would have to put up a retaining wall. Mr. Burns asked if changes and plans could be made if the application was approved. Ms. Smith explained that a stipulation of approval was that the plans needed to be approved by the city engineer. She said if he and Mr. Trane were working with the city engineer changes could be made after approval.

Ms. Packard said she heard a lot that the city had a set of criteria that needed to be followed. She asked who had a broader view and cared that there would be an alley instead of a trail or that Mitchell Hollow had houses on both sides. She asked where the vision was.

Mr. Crane explained that the City Council adopted specific standards for fencing along trail corridors to deal with this issue.

After asking for additional public comment and hearing none, Commissioner Morgese closed the public hearing at 7:48 PM and asked for additional comment.

Commissioner Standifird mentioned that he grew up in Highland and talked about development that impacted the views and area where he grew up. He said it was unfortunate that fields were changing. He also mentioned the city codes.

Commissioner Standifird MOVED that the Planning Commission accept the findings and recommend approval of the Chase Subdivision Plat subject to the three (3) following stipulations recommended by staff:

- 1. The recorded plat conforms to the final plat date stamped June 17, 2021 except as modified by these stipulations.*
- 2. All public improvements, including the city trail, shall be installed as required by the City Engineer and City Fire Marshall.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*

Commissioner Jones SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Yes</i>

Motion carried 5:0

4. PUBLIC HEARING: SITE PLAN, ARCHITECTURAL PLAN, AND CONDITIONAL USE PERMIT: HIGHLAND BUSINESS PARK – BUILDING ‘C’

Administrative

The Planning Commission will hold a public hearing to consider a request by Patterson Development for a Site Plan and Conditional Use Permit for a general office building located at approximately 11235 N Highland Blvd. The Planning Commission will take appropriate action.

Ms. Smith reviewed the details of the application as defined in the staff report and mentioned that the applicant would need to landscape the medians along Highland Blvd.

Commissioner Morgese opened the public hearing at 7:56 PM and asked for public comment. Hearing none, he closed the public hearing at 7:57 PM and asked for additional comments.

Commissioner Standifird asked about the landscaping requirements and the possibility of xeriscaping. Ms. Smith explained that the original landscaping plan included plants and shrubbery that needed to be watered. Now the plan called for rocks and trees. Commissioner Moore pointed out that shrubs and plants created visibility problems in some areas. Commissioner Standifird agreed and thought the city needed to be proactive with preventing water waste.

Commissioner Moore MOVED that the Planning Commission accept the findings and approve the architectural plans of the Highland Business Park Building ‘C’ subject to the following two (2) stipulations recommended by staff:

- 1. Architecture, materials, and colors shall comply with the site plan and building elevations dated June 2, 2021, except as modified by these stipulations.*
- 2. All signage shall require a separate permit and meet the requirements of the Development Code.*

Commissioner Howden SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Yes</i>

Motion carried 5:0

Commissioner Howden *MOVED* that the Planning Commission recommend approval of the site plan and conditional use permit for Highland Business Park Building 'C' subject to the five (5) stipulations recommended by staff:

1. Development of the site shall comply with the site, elevations, and landscape plan date stamped June 2, 20201, require a separate permit, and comply with the Development Code requirements.
2. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer and the Fire Marshall.
3. All signage shall require a separate permit and comply with the Development Code requirements.
4. In accordance with Section 4-109, the Conditional Use Permit will expire if a building permit is not issued within one year of approval by City Council.
5. The landscaping in the islands along Highland Blvd be completed as approved by the Parks Superintendent before a Certificate of Occupancy is given.

Commissioner Standifird seconded the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Absent
Commissioner Seth Barrus	Absent
Commissioner Sherry Carruth	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Mino Morgese	Yes
Commissioner Tyler Standifird	Yes

Motion carried 5:0

5. PUBLIC HEARING: TEXT AMENDMENT: GUARANTEE OF PERFORMANCE *Administrative*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections in Chapter 6 Guarantee of Performance in the Development Code to be consistent with Section 10-9a-604.5 in Utah State Code. The Planning Commission will take appropriate action.

Commissioner Moore stepped away from the meeting at 8:01 PM.

Ms. Smith explained the need for bonds and the bonding process for public improvements. She mentioned that the city currently accepted cash bonds in the form of check or a signed improvement deposit account agreement, however, State Code required that cities accept a minimum of two forms of completion assurance.

Commissioner Moore rejoined the meeting at 8:03 PM.

Ms. Smith explained that the proposed text amendment included an irrevocable letter of credit as an acceptable form of a performance guarantee bond.

Commissioner Morgese opened the public hearing at 8:05 PM and called for public comment. Hearing none, he closed the public hearing at 8:05 PM and asked for additional comments. Hearing none, he called for a motion.

Commissioner Standifird MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to several sections in Chapter 6 Guarantee of Performance in the Development Code.

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Yes</i>

Motion carried 5:0

6. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

Commissioner Morgese asked about DR Horton. Mr. Crane explained that the Council was trying to work with DR Horton and Lehi City to make sure that the master planning reflected what was shown. He mentioned that there were a lot of newly submitted applications. He reported that he recently met with the Boyer Group who was working on platting their project to the high school. Mr. Crane mentioned that the first phase of homes in the Boyer project was being constructed and the city hoped to see commercial soon.

Commissioner Moore asked about Mountain Ridge Park. Mr. Crane said construction drawings were near completion and that the Council wanted to do additional outreach for the elements of the all-abilities playground. He said there was nothing formal regarding sports groups who might sponsor soccer fields or other elements of the park.

ADJOURNMENT

Commissioner Standifird MOVED to adjourn the regular meeting. Commissioner Moore SECONDED the motion. All present were in favor. The motion carried unanimously.

The meeting adjourned at 8:11 PM.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on July 27, 2021. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary



PLANNING COMMISSION AGENDA REPORT ITEM #3

DATE: September 28, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner and GIS Analyst
SUBJECT: FINAL PLAT - MINOR SUBDIVISION: Maddox Subdivision
Administrative

PURPOSE:

The Planning Commission will consider a request by Travis Maddox for Final Plat approval for Maddox Subdivision, a proposed 2-lot single family subdivision with a remnant parcel located at approximately 4764 W 11200 N. The Planning Commission will take appropriate action.

BACKGROUND:

The property is 7.24 acres and located at approximately 4764 W 11200 N.

On April 17, 2018, the City Council approved the Preliminary Plat for Stoney Brook Plat B. The approval was after much discussion regarding a connection to the south (see Attachment #1 for southern connection). This connection gives road and utility access to the Maddox (previously Fehr) and Christiansen properties. The developer for Stoney Brook was required to stub the road to the south in order for Stoney Brook and any other properties that were accessed solely through the Stoney Brook road to have a second independent point of access, as the road Stoney Brook was building exceeded 600' (Development Code Section 5-8-105.4c).

There was much discussion between the developer, the property owners, and the City regarding the location of this second access as the City needed to "plan for the most advantageous development of adjoining areas" (Development Code Section 5-8-105.4). The City, as well as the property owners, did not want to make one property owner bear the entire burden of connecting the road down to 11200 N. The property owners to the south of Stoney Brook at the time agreed to have the future road that would continue south to 11200 North from the Stoney Brook stub be split between their two (2) properties.

Final Plat review and approval is an *administrative* process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting Final Plat approval of 2-lot subdivision. The development is split up into 2 phases. Phase 1 includes the 2 lots, and Phase 2 will be determined when the property owner would like to develop. This is labeled as Parcel A: For Future Development.
2. A portion of the property will be dedicated to Highland City as right-of-way.

CITIZEN PARTICIPATION:

Notice of the public hearing was sent to property owners in a 500' radius from the subject property on September 16th. The notice was also posted on the state and city websites on September 15th, 2021.

ANALYSIS:

Zoning

The property is designated as R-1-40 Zoning. This allows a total of 8 lots. The applicant is requesting to subdivide 2 of these lots and leave a remnant parcel for future development.

Stoney Brook Plat B

The Stoney Brook Subdivision (Plats A & B) currently only has one access onto 4800 W. Because the road exceeded 600', the City required the developer to provide a stub road to the property to the south to have a second access point, as well as provide road and utility access to the property owners to the south for future development.

On April 17, 2018, the City Council approved the Preliminary Plat for Stoney Brook Plat B. The minutes (see Attachment #2) for this meeting reflect a brief history of the review process regarding the road being stubbed to the south:

"Originally, the road connection was going to go through the Christensen property, but the property owner was opposed. The City worked with the applicant and the owner of the two properties to the south, and it was determined that the connection would run along the property line between the Christensen and Fir [Fehr] properties..."

Isreal Patterson, the applicant, explained the complications they experienced in planning a connection to the southern properties. He felt that the proposed connection was the best option for all properties involved.

Councilman Brian Braithwaite wanted to be sure that the other property owners had

been given an opportunity to discuss this issue. Mr. Patterson said that he had spoken with each of the other property owners about the road connection.”

Both the City and the property owners agreed in 2017 that it would be fair to split the burden of the road by placing it between the two properties. Now, the applicant has the option to work with the adjacent property owner to come up with a concept plan that would work for each of them. Although, the road does need to go through to provide a second access for the Stoney Brook subdivision.

Development Code

The following sections of the Highland City Development Code show that the proposed plat is *not* compliant with the City’s standards because the applicant does not desire to construct the road connecting Stoney Brook Lane and 11200 North according to the original, approved concept from 2017:

Section 5-8-105 Streets (4)

Street patterns in the subdivision shall be in conformity with the plan for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

- a) Where appropriate to the design and terrain, proposed streets shall be contiguous and in alignment with existing planned or platted streets with which they are to connect.
- b) Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- c) Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With Planning Commission approval, any dead-end street longer than one lot depth shall have a minimum of a 40-foot radius temporary turnaround area with an all-weather surface and shall not exceed 600 feet in length.
Any street exceeding 600 feet shall have at least two points of independent access.

Section 5-9-102 Required Improvements

1. The subdivider shall improve, or agree to improve all streets, pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not be commenced until improvement plans and profiles have been approved by the City Engineer and, if applicable, a bond agreement has been executed between the subdivider and the City.

The proposed plat would result in additional homes being served by a single fire access road, Stoney Brook Lane, in violation of the City’s development code, which also raises safety concerns for fire access. Stoney Brook Lane is already longer than 600 feet, and that

road was only allowed because the City required that the developer of Stoney Brook plan and construct a stub road connection to 11200 North. The City could not have required the second access be constructed as part of the Stoney Brook subdivision, but the City can require that the access be provided as part of the current application. The developer is responsible for ensuring that their subdivision is adequately served by roads.

General Plan

The following quotes from the of the Highland City General Plan show that the proposed plat is *not* compliant with the City's standards:

The Collector and Local Street Systems (3-42)

- "...Where undeveloped land prevents the connection of streets and there is potential for future development to complete those street connections, streets improved on adjacent properties should be stubbed to allow for that future connection."
- "Local streets should be designed to maximize access and through-traffic movements."
- "Street patterns should minimize the need for out-of-the-way travel."
- "In local street design, for the purposes of better traffic circulation, more efficient maintenance, and more efficient access for public safety, streets should be connected and cul-de-sacs should be avoided except where necessary."

The proposed plat would delay the completion of the connection between Stoney Brook Lane and 11200 North, create additional and unnecessary complexities in the design and alignment of that connection, and push more of the burden of the shared road onto the neighboring property. It also results in additional, if hopefully temporary, cul-de-sacs. This does not match the intent and goals in the general plan. While the general plan is advisory, the City can and does look to the general plan for guidance on public infrastructure improvements. Utah Code § 10-9a-406.

FINDINGS:

Based on the following, the proposed final plat does *not* meet the required findings for approval:

- The plat is *not* consistent with the General Plan.
- The plat does *not* meet the requirements of the Development Code.
- The plat is *not* consistent with the Highland City Pressurized Irrigation Master Plan.

RECOMMENDATION AND PROPOSED MOTION:

Staff recommends the Planning Commission consider the request, accept the findings, and **DENY** the proposed final plat.

I move that the Planning Commission accept the findings and **DENY** the final plat for Maddox Subdivision as recommended by staff.

ALTERNATIVE MOTION:

I move that the Planning Commission **APPROVE** the final plat for the Maddox Subdivision based on the following findings: (The Planning Commission will need to draft appropriate findings.)

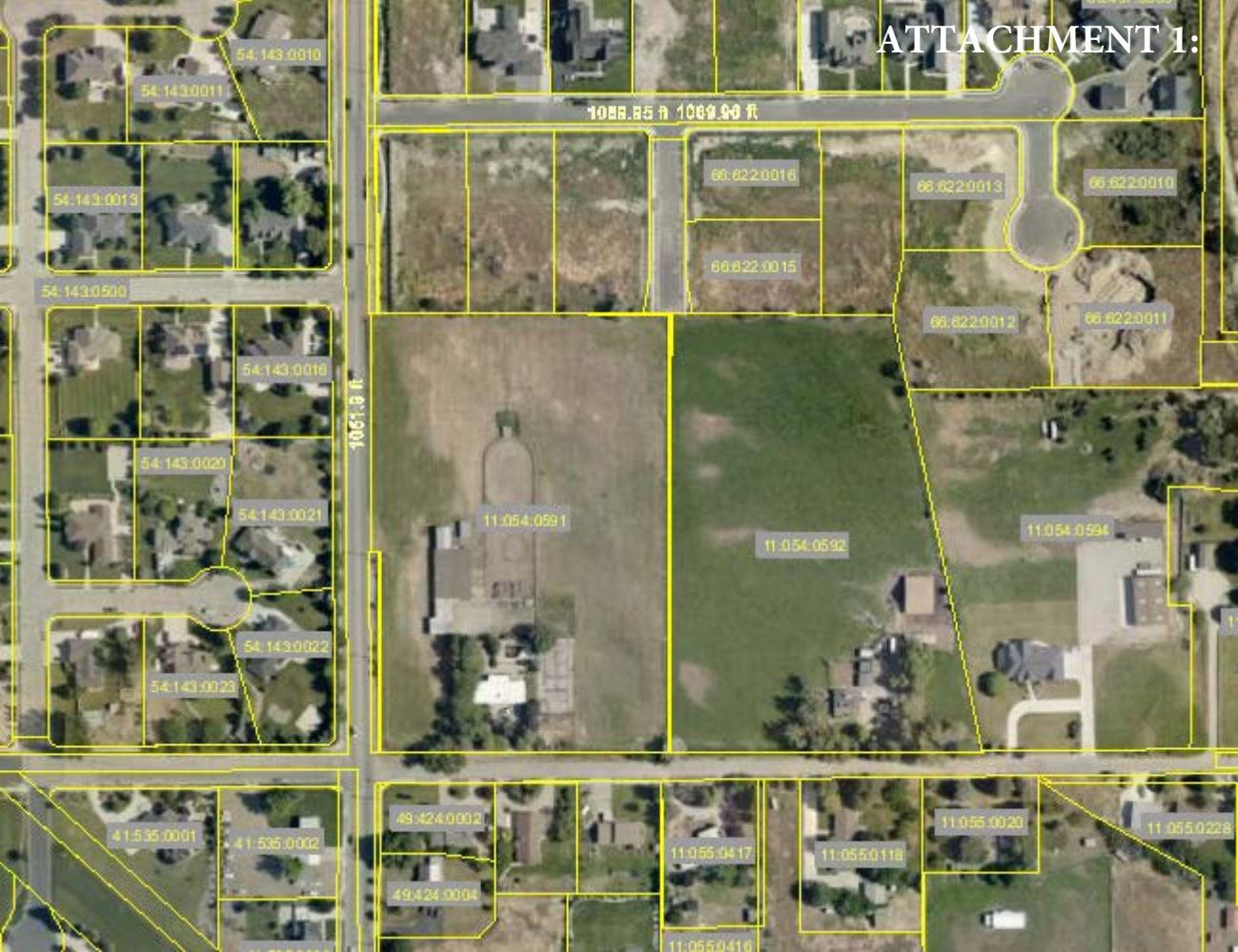
FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditure.

ATTACHMENTS:

1. Vicinity Map
2. City Council Stoney Brook Plat B Preliminary Plat Approval – April 18th, 2017 Minutes
3. Concept Plan with Shared Road Connection – Provided by the Neighboring Property Owner
4. Concept Plan – Provided by the Applicant
5. Proposed Final Plat

ATTACHMENT 1:



**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, April, 18, 2017

Highland City Council Chambers, 5400 West Civic Center Drive, Highland, Utah 84003

5. MOTION: Preliminary Plat Approval for a 10-lot single Family Residential Subdivision located at 4800 West 11350 North – Stoney Brook, Plat B

BACKGROUND: *The applicant is requesting preliminary plat approval of a 10-lot single family subdivision. The property is approximately 10.12 acres. Lot sizes range from 30,145 square feet to 51,571 square feet. Access to the property will be from 4800 West via Stoney Brook Lane (11350 North) which is a local road. There is a road (4750 West) stubbed to the south in anticipation of future growth.*

City Administrator, Nathan Crane, presented the background information above.

Councilman Rod Mann asked if the homes to the north had been fully constructed, and Mr. Crane said that they were still under construction. He explained that the developer had been required to construct half of Stoney Brooke Lane as part of Plat A, and it would be completed with the development of Plat B.

Mr. Crane noted that the Plat would include stub roads to the north and south to provide for future connections.

There was a discussion about the length of the cul-de-sac. The proposed cul-de-sac would exceed the allowed maximum length of 600 feet. City Engineer, Todd Trane, explained that the increased length was necessary because of the position of the stub road to the south. Originally, the road connection was going to go through the Christensen property, but the property owner was opposed. The City worked with the applicant and the owner of the two properties to the south, and it was determined that the connection would run along the property line between the Christensen and Fir properties.

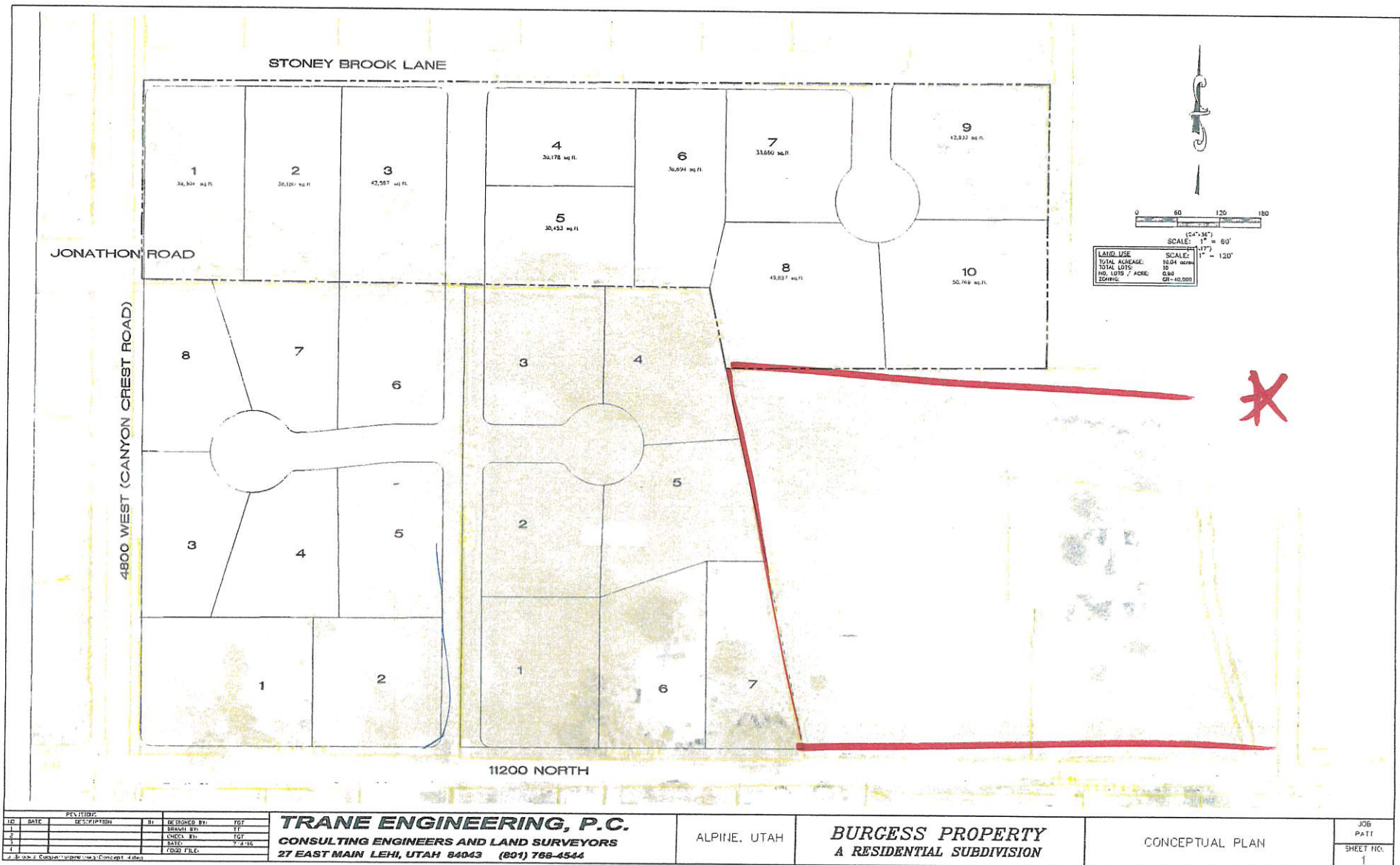
Mr. Crane explained that the Planning Commission recommended approval of the application subject to five stipulations.

Israel Patterson, the applicant, explained the complications they experienced in planning a connection to the southern properties. He felt that the proposed connection was the best option for all properties involved.

Councilman Brian Braithwaite wanted to be sure that the other property owners had been given an opportunity to discuss this issue. Mr. Patterson said that he had spoken with each of the other property owners about the road connection.

MOTION: Councilman Brian Braithwaite moved the City Council approve the Preliminary Plat Approval for a 10-lot single Family residential subdivision located at 4800 West 11350 North, Stoney Brook Plat B to include the five stipulations of the Planning Commission being: 1) The final plat shall be substantial conformance with the preliminary plat dated March 3, 2017; 2) Prospective homebuyers shall be informed by affidavit of the proximity of the existing gravel pit. A note shall also be placed on the final plat; 3) Final Civic engineering plans to be reviewed and approved by the City Engineer; 4) All required public improvements shall be installed as per City Engineer's approval and Highland City Standards and Specifications and; 5) Water shall be dedicated as required by the Highland City Municipal Code and Development Code.

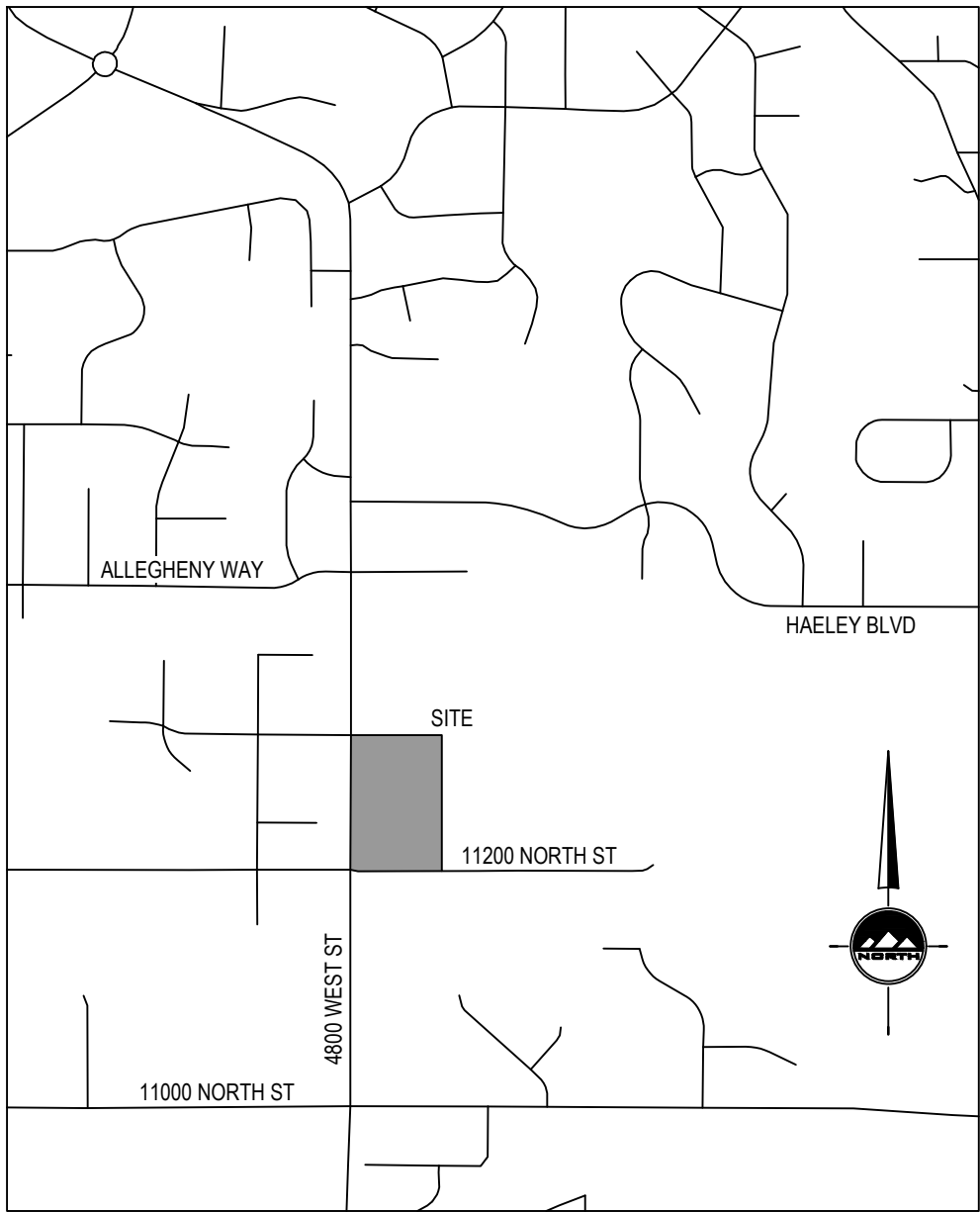
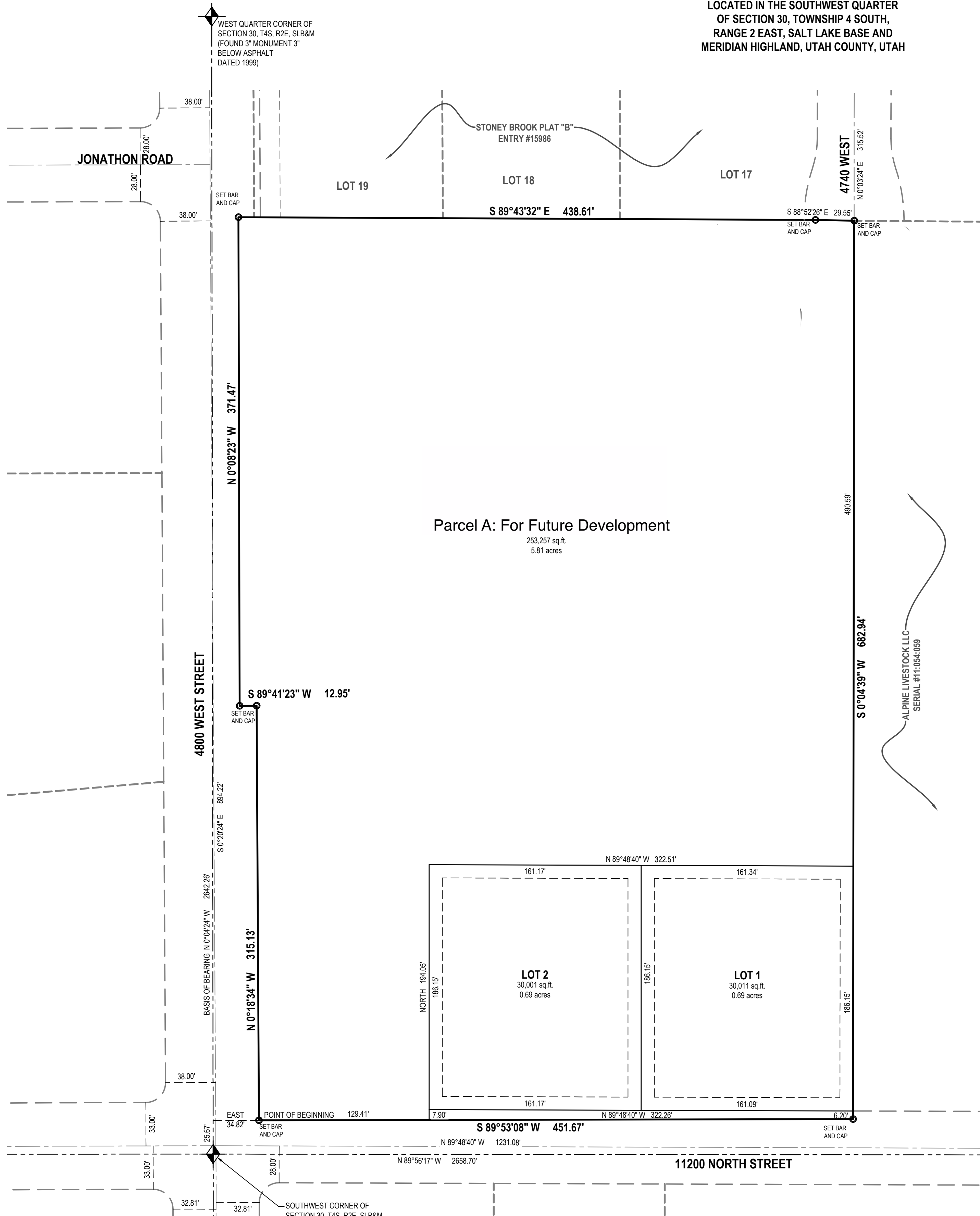
**Councilman Ed Dennis seconded the motion.
Unanimous vote. Motion carried.**



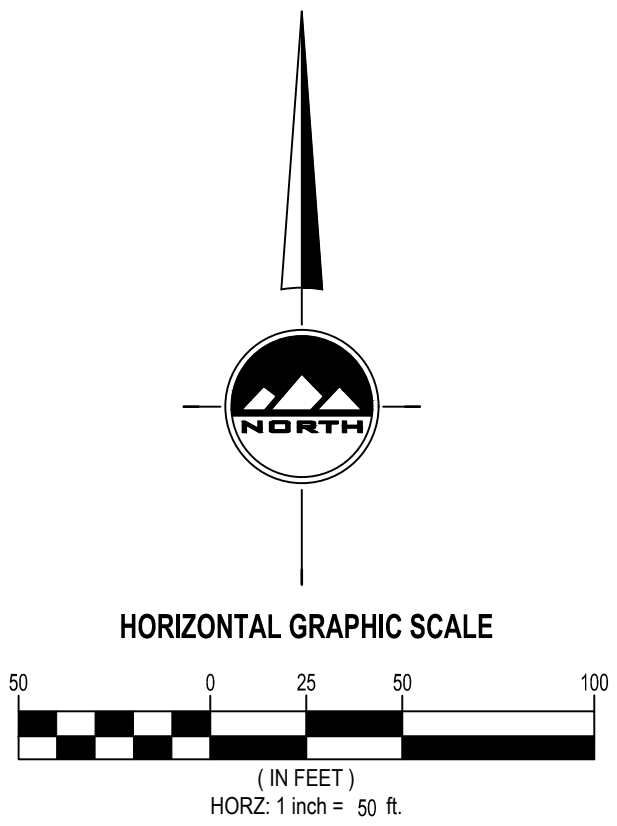




FINAL PLAT
MADDOX SUBDIVISION
LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 30, TOWNSHIP 4 SOUTH,
RANGE 2 EAST, SALT LAKE BASE AND
MERIDIAN HIGHLAND, UTAH COUNTY, UTAH



- LEGEND**
- SECTION CORNER
 - SET 5/8" x 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
 - PU&DE
 - PU&DE= PUBLIC UTILITY & DRAINAGE EASEMENT
 - EASEMENTS
 - SECTION QUARTER
 - ADJACENT RIGHT OF WAY
 - CENTERLINE
 - PROPERTY LINE
 - ADJACENT PROPERTY LINE



DEVELOPER
STEVEN JR MADDOX
2477 E. SINGLE BIRCH
DRAPER, UT. 84020
385-522-0168

SHEET
PROJECT NUMBER : 10409
MANAGER : D. KINSMAN
DRAWN BY : J. CID
CHECKED BY : D. KINSMAN
DATE : 2021-05-14



SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT. 84070
Phone: 801.255.0529
Fax: 801.255.4449
WWW.ENSGNENG.COM

LAYTON
Phone: 801.541.1100
TOOELE
Phone: 435.963.1390
CEDAR CITY
Phone: 435.866.1453
RICHFIELD
Phone: 435.886.2983

UTILITIES APPROVAL

Qwestar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Qwestar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Qwestar's right-of-way department.

Approved this _____ day of _____, 20____ Qwestar Gas Company By: _____ Title: _____

UTILITIES APPROVAL

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the Public Utilities Easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove such structures at the owner's expense, or the utility may remove such structures at the owner's expense. At no time any permanent structures be placed within the PUE or any other obstructions with interferes with the use of the PUE with out the prior written approval of the utilities with facilities in the PUE.

Rocky Mtn. Power _____ Qwest _____ Comcast _____
Date: _____ Date: _____ Date: _____

SURVEYOR'S CERTIFICATE

I, Douglas J. Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 334575, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act. I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as Maddox Subdivision and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southwest Quarter of Section 30, Township 4 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

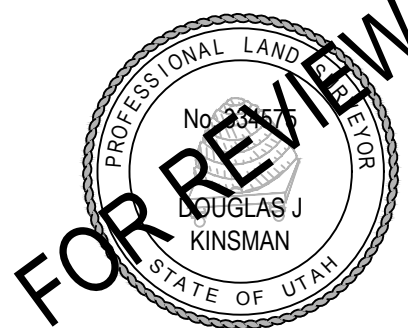
Beginning at a point on the northeast corner of the intersection of 11200 North Street and 4800 West Street, which is located North 0°04'24" West 25.67 feet and East 34.82 feet from the monument at the Southwest Quarter Corner of Section 30, Township 4 South, Range 2 East, Salt Lake Base and Meridian, and running:

thence North 0°18'34" West 315.13 feet along the easterly side of 4800 West Street;
thence South 89°41'23" West 12.95 feet;
thence North 0°08'23" West 371.47 feet along said road;
thence South 89°43'32" East 438.61 feet along the south line of Stoney Brook Plat "B", Entry number 15986;

thence South 88°52'26" East 29.55 feet;
thence South 0°04'39" West 682.94 feet following more or less with an existing property fence to a point on the northerly line of 11200 North Street;
thence South 89°53'08" West 451.67 feet along the North line of said road, to the Point of Beginning.

Parcel contains: 315,539 square feet, or 7.24 acres.

Date
Douglas J. Kinsman
License no. 334575



OWNER'S DEDICATION

We, all of the undersigned owners of all the property described in the surveyor's certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements and do hereby dedicate the streets and other public areas as indicated hereon for perpetual use of the public, the public utility easements to all providers, public or private, and the irrigation easements to all lot owners, and in witness hereof we have set our hands this _____ day of _____, A.D., 2021

By: Steven Jr Maddox _____ By: _____

By: _____ By: _____

ACKNOWLEDGMENT

STATE OF UTAH
County of Utah

On the _____ day of _____, A.D., 20____, personally appeared before me the signers of the foregoing dedication who duly acknowledge to me that they did execute the same.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC (SEE SEAL BELOW)

ACCEPTANCE BY LEGISLATIVE BODY

The Department of Public Works and Engineering of Highland City, County of Utah, approves this subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____, A.D. 20____

APPROVED BY MAYOR _____

APPROVED _____ CITY ENGINEER (SEE SEAL BELOW) ATTEST _____ CLERK-RECORDER (SEE SEAL BELOW)

LEIN HOLDER CONSENT

The undersigned beneficiary hereby consents to the recording of this plat for the herein described property and the dedication provided herein.

HIGHLAND CITY ATTORNEY

Approved as to form this _____ day of _____, 20____ HIGHLAND CITY ATTORNEY

PLANNING COMMISSION APPROVAL

Approved as to form this _____ day of _____, 20____ PLANNING COMMISSION CHAIR

COMMUNITY DEVELOPMENT DIRECTOR

CONDITIONS OF APPROVAL

There are conditions of approval attached to this subdivision which are indicated on this plat. These conditions have also been recorded with this subdivision. Potential buyers are requested to read these conditions carefully and obtain a copy of these conditions and restrictions prior to purchasing or contracting to purchase any lots within this subdivision. These conditions are binding and have been imposed by the legislative body of Highland City. A copy of these conditions may be obtained through the Utah County Recorder's office or the Highland City Recorder's office. In addition, Highland City has approved binding zoning laws through a legally binding Development Code. It is the responsibility of the buyer to do their due diligence in obtaining all accurate information and/or regulations that may directly or indirectly affect the use of property prior to purchasing or contracting to purchase any property anywhere. Conditions of approval conveyed on this property by the legislative body of Highland City, which are in addition to the Development Code, are as follows:

- 70% of the front yard landscaping shall be installed by the homeowner within one year after receiving a certificate of occupancy.
- Landscaping and construction materials of any type are not permitted upon or within the street, curb & gutter, park strip or sidewalk (street right-of-way) with the exception of the park strip which required 75% to be landscaped.
- A fence that abuts open space or has a trail has additional restrictions of size and capacity. Fences along open space or a trail must comply with Highland City Ordinance. A fence permit is required for all fences.
- Highland City Ordinances restrict height of foundation above curb. It is the responsibility of the buyer to contact the city prior to purchasing any lot. This restriction applies to all lots in the subdivision.

MADDOX SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 30,
TOWNSHIP 4 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
HIGHLAND, UTAH COUNTY, UTAH

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL



PLANNING COMMISSION AGENDA REPORT ITEM #4

DATE: September 28, 2021
TO: Planning Commission
FROM: Kellie Smith
Planner and GIS Analyst
SUBJECT: DISCUSSION – Shipping Containers

PURPOSE:

Presentation and discussion of a possible amendment to the Development Code to regulate shipping containers. This item is bring presented for discussion only.

BACKGROUND

On February 23, 2021, Staff brought to the Planning Commission's attention resident and staff concern of shipping containers on residential lots. Several calls and complaints had been made to Code Enforcement for shipping containers to be removed. There is nothing in the City's Development Code that regulates shipping containers. Questions were presented to the Planning Commission regarding how many can be on a lot, time limits, setbacks, easements, etc.

After this discussion, the Commissioners provided written comments with opinions on what should and should not be regulated for shipping containers on residential lots. In preparation for a possible text amendment, Staff reviewed these comments and noticed strong similarity to the current regulations for accessory buildings.

DISCUSSION:

The Planning Commissioners' suggestions for regulating shipping containers were as follows (summary):

- a) Short term vs Long term
 - Short term: 60 days or less – not subject to the requirements.
 - Long term: more than 60 days – required to follow regulations in the Development Code.
- b) Building permit required if electrical or plumbing is involved.
- c) Square footage included in the square footage of accessory buildings on a lot.
 - Possibly limited by lot size. No shipping containers on lots smaller than .25 acres.
- d) Setbacks
 - Same front setback as main dwelling (Front: 30')

- Cannot be placed on an easement of any kind and under no circumstances will they be allowed in the public right of way. (Side & Rear setbacks: 10')
 - Can be buried into landscaping outside of easements
- e) Design
- Color consistent with the color of the house/earth tones
 - No vertical stacking
- f) Cannot be used for a home occupation or accessory dwelling units.

Below is a table that compares the Commission's suggestions for regulating shipping containers and the current regulations for accessory structures. See Attachment #1 for the existing section of code that addresses accessory buildings.

Shipping Container Concerns	Accessory Structure Standards
Long term vs short term >60 days vs <60 days	
Permit required? Building permit?	Building Permit if greater than 200 sq ft OR attached to a permanent foundation
Limited by lot size	Cannot cover over 5% of total lot area Unless lot is over 2 acres, then 7%
Setbacks (don't want to be visible from street; not on easements)	30' front, 10' rear, 10' side, 20' side on street 6' from main dwelling
Design – color consistent with house? No vertical stacking	Shall be constructed out of exterior materials consistent with the primary dwelling if the lot is ½ acre or less
Cannot be used for a business	No home occupations; No Accessory Dwelling Units

It appears that many of the Planning Commission's concerns, as understood by Staff, are already addressed by the existing rules for accessory structures. The primary difference is the long-term vs. short-term regulation. Staff recommends the Planning Commission discuss any additional or different regulations specific to shipping containers that are not already applicable to accessory structures.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditure.

ATTACHMENTS:

1. Development Code Section 4-109 Accessory Buildings

3-4109 Accessory Buildings

All accessory buildings within this zone shall conform to the following standards, setbacks and conditions:

1. An Accessory Building is any building or structure which is not attached to the main dwelling on the lot that is
 - a. Greater than 200 square feet, or
 - b. That is attached to a permanent foundation as defined by the building code.
2. Size. All accessory buildings shall comply with the following size limitations:
 - a. Accessory buildings shall not cover more than five percent (5%) of the total gross lot area, except as provided below in subsection b.
 - b. Accessory buildings may cover up to seven percent (7%) of the gross lot area if the lot has at least two (2) acres.
 - c. The total area of all accessory buildings on a lot shall not exceed 8,000 square feet.
 - d. Any accessory building 3,000 square feet or larger shall be set back from the rear property line a minimum of sixty feet (60') and be set back from the side property lines a minimum of twenty feet (20').
3. Height. All accessory buildings shall comply with the following height limitations:
 - a. No accessory building shall be erected to a height greater than twenty-five feet (25') from grade, except as provided below.
 - b. Accessory buildings may be erected to a maximum height of thirty-five feet (35') from grade if the following requirements are met:
 - i. The lot has at least two (2) acres;
 - ii. The average height of the accessory building is twenty-five feet (25') from grade; and
 - iii. For each one foot (1') the accessory building exceeds twenty-five feet (25') in height from grade, the rear and side setback requirements are increased by two feet (2'), provided that in no event shall the rear setback requirement be increased beyond sixty feet (60').
4. Setbacks. All accessory buildings shall comply with the following setbacks, unless a greater setback is otherwise required:
 - a. All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less.
 - b. An accessory building shall be set back from the rear property line a minimum of ten feet (10').

- c. All accessory buildings shall be set back from the side property line a minimum of ten feet (10').
 - i. All accessory buildings shall be set back at minimum an amount of twenty feet (20') from the side lot line which abuts a street or twenty feet (20') from the Parkway Detail.
- d. All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.
- 5. Materials. Accessory buildings shall be constructed out of exterior materials consistent with the primary dwelling if the lot is 1/2 acres or less.
- 6. Any accessory building used for a home occupation shall comply with the regulations governing a home occupation business.

(Ord. No., Amended, 09/05/2000; Ord. No., Amended, 01/15/2002; Ord. No., Amended, 09/17/2002; Ord. No. 2010-01, Amended, 01/05/2010)

HISTORY

Amended by Ord. O-2020-19 on 6/16/2020