



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES

Tuesday, November 16, 2021

Approved January 25, 2022

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

VIRTUAL PARTICIPATION



YouTube Live: <http://bit.ly/HC-youtube>
planningcommission@highlandcity.org

7:11 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Commissioner Chris Howden

Pledge of Allegiance – Commissioner Mino Morgese

The meeting was called to order by Planning Commission Chair Jerry Abbott as a regular session at 7:11 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 Abbott and those in attendance were led in the Pledge of Allegiance by Commissioner Moore.

PRESIDING: Commissioner Jerry Abbott

COMMISSIONERS

PRESENT: Jerry Abbott, Sherry Carruth (*electronically*), Christopher Howden (*electronically*), Audrey Moore

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Attorney Rob Patterson, Public Works Technician JoAnn Scott, Planning Commission Secretary Heather White

OTHERS PRESENT: Doug Courtney, Jeri Symmes, Peter Christensen, Michael Christensen, Danielle Brown

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

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 – September 28, 2021

b. 2022 Planning Commission Regular Meeting Schedule *Legislative*

Planning Commission will consider the 2022 Annual Meeting Schedule. The Commission will take appropriate action.

Commissioner Moore MOVED to approve the minutes for the October 26, 2021 Planning Commission meeting. Commissioner Abbott SECONDED the motion. All present were in favor. None were opposed. The motion carried.

Commissioner Moore moved to approve the proposed 2022 meeting schedule. Commissioner Carruth seconded the motion. All present were in favor. None were opposed. The motion carried.

3. PUBLIC HEARING: FINAL PLAT - MINOR SUBDIVISION: 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 minor subdivision with a remnant parcel located at approximately 4764 W 11200 N. The Planning Commission will take appropriate action

Mr. Crane reviewed the details of the application. He explained that the property included two lots with a remnant parcel in the R-1-40 zone. The proposal was to develop the two lots. He reviewed the history of the property. He talked about Stoney Brook Plat B to the north and explained that one of the requirements in 2018 was for the developer to meet with the surrounding neighborhood and discuss issues with potential street connections and the proposed nonconforming length of the cul de sac. The developer of Stoney Brook was asked at that time to meet with the property owners to the south to come up with a plan for future access. The property owners to the south agreed to a road going south on the property line between their two properties and continue to 11200 North from the Stoney Brook stubbed road. Mr. Crane reviewed portions of the development code and talked about not adversely affecting the remainder of the parcel or adjoining property. He explained that the proposed plat did comply with zoning, however, it created a nonconforming subdivision to the north by not extending the stub road. He noted that the city's utility master plan for pressurized irrigation identified a connection to the stub road for redundancy and pressures along the street alignment. Because the proposed plat did not comply with General Plan policies, did not meet the requirements of the Development Code, was not consistent with the Master Plan, would create fire access issues for Stoney Brook, would put an undue burden on an adjacent property owner and adversely affect an adjacent property, and was not consistent with the prior approved plan for the area, staff recommended that the subdivision not be approved.

Travis and Steven Maddox, representing their father and property owner Steve Maddox, said that the agreements in the past were based on conversations. They talked about their proposed alignment for the road from Stoney Brook. Commissioner Abbott pointed out that the neighboring property would have to agree to it, which they had not, and it would put the whole road on the neighboring property.

Steven Maddox said that 4800 W was never considered in the conversation and wondered who would take the burden of 4800 W. He said connecting to the cul de sac and continuing to 11200 N would create a road with car lights shining directly into homes. He said the road on the property line would make them shift lot lines and make them take out the existing house on lot 2. He said they were trying to come up with a way to be able to raise their families in Highland. He said they were also trying to come up with a way to connect Stoney Brook to Timp Highway. Travis Maddox added that if the road continued straight to 11200 N, the lot line between lots 1 and 2 would have to be relocated over the middle of the house, which he planned to live in. When asked why they wouldn't just combine lot 1 and 2, Travis said they were trying to have enough lots for four other siblings in the future and that zoning allowed for eight lots. He said they would lose land on the west side with 4800 W and on the east if the extension road had to be on the property line. He thought it put an undue burden on the parcel.

Commissioner Abbott thought the submitted concept plan put undue burden on the other property owner. He wondered if the other property owner was in favor of the concept. Travis said they tried working with the Christensen's but had not been able to come to an agreement. They thought the Maddox's would take the burden of 4800 W and the Christensen's would take the burden of the road connecting to Stoney Brook.

Commissioner Abbott said there was more to consider than only an undue burden. He explained that the city needed to consider street requirements and could not approve plans that created nonconforming streets on other properties.

Steve Maddox said the Stoney Brook extension put the burden directly on their property and that the burden of both roads would be too great for them to develop. He said the property would sit for the foreseeable future.

Mr. Patterson explained that the prior plat was approved because there was an agreement between all the property owners.

Travis Maddox said they worried that the north/south connection to Stoney Brook would become a drag strip. Commissioner Abbott did not think it would. He explained that they had not presented a plan that met development code requirements. He wasn't sure that there would be an undue burden if the property wasn't developed. He understood that the developer did not want to combine lots but explained that the Planning Commission could not disregard city code so that all siblings had a lot. He encouraged them to look for another way for it to work and suggested maybe a swap or trade of property.

Travis said the adjacent property owners were not interested in a swap or trade. He talked about the property owned by Kevin Ewe to the south. He said the proposed road would line up with Kevin Ewe's future community and eventually connect to Spruce Drive and SR-92. He voiced concern about car lights shining in windows of houses if the road was on the property line.

Mr. Crane noted that the Kevin Ewe application had been dropped and that the property was under new ownership. The Planning Commission pointed out that they did not want the Kevin Ewe property to connect to the north.

Commissioner Howden thought that deciding tonight seemed premature. He encouraged the developer to submit a plan the city could accept.

Property owner Steve Maddox said there was nothing on the proposed plat that was noncompliant with the General Plan, code, or legal length of cul de sac. He thought "perhaps" it was premature. He said the conversation would happen now, or it was probably never going to happen. He thought sometime in the future the city would ask for a donation of ground for 4800 W and connectivity to Stoney Brook. He wasn't sure what

it would look like in a year, but today if he did not have a solution the undue burden of the demolition of a house made it cost prohibitive for children to move. He did not want to develop another lot. Mr. Maddox talked about what his cost would be for 4800 W. He said the Fehr's (previous property owners) were adamant that they did not make a verbal or written agreement and that there was a lack of understanding of what they were agreeing to. He talked about fencing the property and putting in a riding arena instead of connectivity. He did not want the issue with the Stoney Brook cul de sac to be his problem and did not see a solution if he put in a fence and a barn in that location. He said the city would not have an option of accessing ground on his side without eminent domain when the Christensen's eventually wanted to develop. He said short of mitigating it tonight, he did not know if it would be an option in the future. He thought a straight road was fundamentally the right thing to do as well as having connectivity. He did not think that anything in the staff report was accurate from a fundamental legal perspective. He thought it was from an opinion perspective. Mr. Maddox thought the undue burden of 4800 W and a parallel road was an undue burden on seven and a half acres. He said the proposed lots would not fix Stoney Brook today or in the future. He said the Christensen's told him that they would not allow the connecting road to be built on their property.

Commissioner Abbott thought that approving the two lots tonight would block the road. He said the property would become three lots and there would not be a way to develop the larger parcel unless the other issues were solved. He asked about the importance of having additional lots for kids. Mr. Maddox said he was not concerned with having additional lots and pointed out that it was his son's dream to do that. He said the 4800 W expansion was needed. He predicted that additional discussions would come regarding additional connectivity. Mr. Maddox said he offered to deed the right-of-way on the proposed road connecting to the adjacent property but was denied. He thought the options in the future would be greatly diminished, that the option to expand 4800 W would be "off the table", and that connectivity to Stoney Brook would not happen. He said it was not a financial consideration for him but an emotional decision. If he installed his riding arena, he did not want thru traffic from Stoney Brook. He mentioned that Stoney Brook residents had already torn down his fence.

Commissioner Abbott asked if Mr. Maddox would eventually want to do the proposed concept plan if the two lots were approved and if everyone agreed. Mr. Maddox thought the proposed concept plan gave options to the Christensen's. He said it had lots all along the connecting road. He did not think there was an undue burden for the Christensen's. He said he offered them half a road on the north portion if they wanted to construct it immediately.

Commissioner Abbott asked about the proposed cul de sac on the Maddox property. Mr. Maddox said he probably would not do a cul de sac.

Commissioner Howden talked about needing to work out details with neighbors. Mr. Maddox said that he had done a lot of development and had never needed permission from neighbors. He talked about the city creating a circumstance where they would need to mitigate headlights shining directly in houses. He thought his proposed road would be traffic calming.

Mr. Crane explained that infill projects were always a challenge and pointed out that the city needed to make sure that all property had access. He encouraged the commissioners to talk to the Christensen's. He said there was developed property all over the city that benefitted from stub streets. He mentioned that Edge Homes and Mr. Maddox had a development in southwest Highland that benefitted from stub streets. He said stub streets were normal, common, and done so that people could develop in the future. The concern with the current proposal was that it eliminated the option for the stub street connection. Mr. Crane said the city requested that the property owners work together to find a mutually beneficial situation. He said there were options for the Maddox to get the number of lots they wanted.

The Planning Commission discussed the logistics of the concept plan and the plat with three lots. Mr. Patterson explained that if the plat were reviewed in a vacuum, it met code, but it did not work that way. He said plats

were reviewed as part of the overall land development with provisions in code regarding connection of streets, connecting to stub roads, and building streets from one end of the property to the other unless there was a reason to not do it. He pointed out that this was not the only solution, but there needed to be a solution that worked. He explained that developers were required to provide stub roads where they could and to continue them wherever possible. The city would require that connection until there was a plan that worked for everyone. He mentioned that there was a dispute with what was agreed upon, but the stub road would need to be connected.

Commissioner Abbott asked to hear from the Christensen's. Mike Christensen, speaking on behalf of his father and property owner Peter Christensen, said that none of the options in 2018 were wanted by his father or the Fehr's. He said the stub road was not preferred but they did not complain because they were trying to be good citizens. He said he would like the Maddox's to be able to have the lots in the concept plan, but not at the Christensen's expense. He said the burden of the road was place on their property and wondered about the monetary value and square footage of property required for the road. Mr. Christensen said they were told the road from Stoney Brook would run down the property line, which they were fine with it. He said they were never offered an easement from Mr. Maddox for the northern portion of the road. He said the concept plan did not work for them and did not think Mr. Larsen (another property owner) wanted to wait for them to develop. He said they were fine paying for half the utilities and half the road when they decided to develop. Mr. Christensen was fine to work with the Maddox's, but thought they were presented with a plan that placed all the burden on the Christensen property. He said there were no current plans to develop their property. Mr. Christensen said they were fine with the road going straight and they were fine with trying to work with Mr. Maddox. He was concerned that an approval tonight would make the road go to the Christensen property in the future.

Mr. Crane reviewed the minutes for the Stoney Brook preliminary plat from March 2017. He said Mr. Fehr was in attendance and expressed concern that he would be required to put the road in. The minutes showed that it was understood the road would go in only if the property was developed. Mr. Crane provided the background for 4800 W and showed the recommended transportation network in the General Plan. He talked about a recent MAG (Mountainland Association of Governments) study between Alpine and Highland. As per the study, it was recommended that 4800 W be widened from SR-92 to the roundabout in Alpine. He said the expansion was not currently in any plans and it was not currently funded. He said an Idea Report was submitted to see if it made sense for regional funding to build the road. He said neither Alpine nor Highland had the money to build the road to arterial status. He explained that if Mr. Maddox subdivided the property today, he would be subject to current code requirements. Any right-of-way acquisition for the road expansion would be with property owners at that time when the project was available. He said if there was a project, it would be fair compensation at that time. He said the city did not currently know if it was going to be a real project nor would they know for quite some time. Mr. Crane did not know how much of the Maddox property would be affected because he didn't know the alignment of the road. Travis Maddox estimated that it would take about 31,000 square feet of their property.

Commissioner Abbott opened the public hearing at 8:45 PM and asked for public comment.

Resident Jeri Symmes, south of the property, preferred that the road was moved to the east. She said the current alignment ended in front of her sister-in-law's house that was recently sold to a family with three small children. She thought a good compromise might be to have the road go further east across the top. She said there needed to be a compromise between the two property owners. Ms. Symmes wondered if lot 2 could be shaped differently so the house could stay.

Resident Danielle Brown, adjacent to the Kevin Ewe property, understood that the road from Stoney Brook would go directly south. The concept plan put the road alongside her property. She voiced concern about

additional traffic because of a child with autism. She said the concept plan would add 14 more homes to her street and more traffic.

Mr. Christensen pointed out that car lights would not shine directly into houses if the stub road continued directly south. He said the road would be on the property line of the lots to the south and not directly in front of a house.

After discussing different options, Commissioner Abbott asked Mr. Christensen if he preferred to continue the discussion or if he wanted the application to be heard by the council. Mr. Maddox said he preferred to have a recommendation tonight from the planning commission.

Commissioner Abbott called for additional public comments. Hearing none, he closed the public hearing at 8:53 PM. He asked for additional comments from the commissioners.

Commissioner Moore thought the Christensen's were clear about what they wanted. She wanted the property owners to come up with a solution and didn't see how it could move forward at this point. Commissioner Carruth did not see any resolution at this point. Commissioner Howden agreed and thought there was potential for a solution. Commissioner Abbott thought it sounded like there was an agreement and understanding that the stub road would go straight to the south. He liked the Maddox layout but said the road would need to defer to the original alignment unless the Christensen's agreed. Commissioner Abbott called for a motion.

Commissioner Moore MOVED that the Planning Commission accept the findings and recommend denial of the final plat for Maddox Subdivision. Commissioner Howden SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 4:0

Mr. Maddox said he understood from Mr. Crane and they would not be required to do any additional improvements along 4800 W. He thought it was inconsistent with the minutes and comments from staff review. He thought that the minutes did not reflect that he would only be required to do what was required today. He said that if he didn't have to look at the 4800 W expansion, and that he could curb to property line and asphalt, the easement would not be in place. He said that if MAG funds were made available in the future it would probably be an eminent domain to individual property owners which he would not disclose. Mr. Crane clarified saying that there was no requirement for Mr. Maddox to revise the plat to include future improvements along 4800 W. He said Mr. Maddox would have to meet the requirements today for 4800 W. Mr. Maddox asked if he could go to property line. Mr. Crane said he was not sure what the current right-of-way dedication was for 4800 W. Mr. Maddox thought it was an undue burden on his property. Mr. Crane explained that it was the current standard requirement for anyone along 4800 W.

4. PUBLIC HEARING: GENERAL PLAN TEXT AMENDMENT: TRANSPORTATION *Administrative*

The Planning Commission will hold a public hearing to consider a request by Staff to amend the General Plan to discourage external road connections that are not existing or listed in the General Plan. The Planning Commission will take appropriate action.

Mr. Crane reviewed the background of the requested amendment. He explained that staff proposed to add language to the Transportation Element describing existing connections as well as a Policy and Implementation procedure to one of the goals in the General Plan. He said the amendments would provide a connection to what was done in the Municipal Code.

Commissioner Abbott wondered if the amendments would keep the city from being able to do an agreement with a developer. Mr. Crane explained that the code was written in a way that gave the Council the option to an agreement.

Commissioner Abbott opened the public hearing at 9:11 PM and asked for public comment. Hearing none, he closed the public hearing at 9:12 PM. He asked for additional comments from the commissioners. Hearing none, he called for a motion.

Commissioner Moore MOVED that the Planning Commission accept the findings and recommend approval of the proposed General Plan amendment to discourage external road connections that are not existing or listed as a major road in the General Plan. Commissioner Carruth SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 4:0

5. TRAINING: GENERAL PLAN

Staff will give the Planning Commission a training on the existing vision, goals, and policies of the Highland City General Plan. This item is bring presented for discussion only.

Commissioner Abbott asked to move the training to a different meeting when more commissioners were in attendance. He requested that training occur after the holidays.

6. 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.

Mr. Patterson reported that the code regarding shipping containers was approved by council with one change. City property was exempted which meant the city could keep shipping containers on property without houses.

ADJOURNMENT

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

The meeting adjourned at 9:14 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 November 16, 2021. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary

Welcome to the Highland
Planning Commission
Meeting

November 16, 2021



HIGHLAND CITY

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HIGHLAND CITY

PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to (3) three minutes.

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CONSENT ITEMS

- Item 2a – Approval of Meeting Minutes – Regular Planning Commission Meeting October 26, 2021 *Administrative*
- Item 2b – 2022 Planning Commission Regular Meeting Schedule *Legislative*

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HIGHLAND CITY

MADDOX SUBDIVISION

ADMINISTRATIVE

Item #3 – Minor Subdivision Final Plat – Public Hearing

Presented by – Nathan Crane, AICP *City Administrator/Community Development Director*

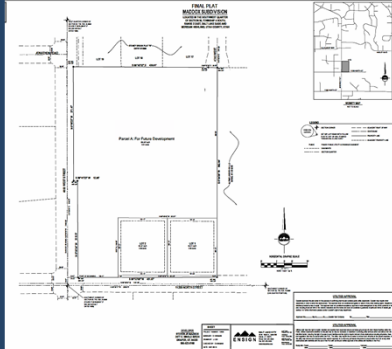
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Vicinity Map



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Proposed Plat



- Phase 1: 2 lots
- Phase 2: Parcel A: for future development
- Right-of-way to be dedicated along 11200

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Background

- Stoney Brooke Plat B – Preliminary Plat approved April 17th, 2018
 - Second independent point of access
 - The City needed to “plan for the most advantageous development of adjoining areas” (Development Code Section 5-8-105.4).
 - Location of the stub was determined by vocal agreement between the developer, the Christensen’s, and the Fehr’s (Maddox property) – agreed to split the burden of the thru-road

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Citizen Participation

- Public Hearing Notice
 - 500’ radius
 - State and City websites
- 1 letter of opposition
 - Property owners directly east (the most impacted)

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Findings

- The plat is *not* consistent with the General Plan.
 - The Collector and Local Street Systems (3-42)
- The plat does *not* meet the requirements of the Development Code.
 - Section 5-4-205 Required Conditions and Improvements
 - Section 5-8-105 Streets (4)
 - Section 5-9-102 Required Improvements
- The plat is *not* consistent with the Highland City Pressurized Irrigation Master Plan.
- The proposed plat would create fire access issues.
 - Stoney Brooke Plat B

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Findings cont.

- The proposed plat puts an undue burden on the adjacent property owner by requiring them to solve fire, road, and utility access for the area as whole.
- The proposed plat is not consistent with the prior approved plan for the area. The applicant does have the opportunity to work with the adjacent property owner to modify the plan to benefit both property owner’s but has failed to do so.
- The lots created by the proposed plat adversely affect adjoining property.

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Recommendation & Proposed Motion

Since the proposed plat does not meet the requirements of the Development Code and other applicable ordinances, it should be denied. Therefore, staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **DENIAL** the proposed minor subdivision/final plat.

I move that the Planning Commission accept the findings and recommend **DENIAL** the final plat for Maddox Subdivision.

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**GENERAL PLAN TEXT AMENDMENT:
TRANSPORTATION
LEGISLATIVE**

Item #4 – Public Hearing
Presented by – Nathan Crane, AICP *City Administrator/Community Development Director*
Rob Patterson, *City Attorney*

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Background

- General Plan Requirements by State Code
 - Transportation and traffic circulation
 - Identify major transportation connections/options
- Highland City General Plan calls out the following major roads:
 - 11000 North (SR-92)
 - Alpine Highway (SR-74)
 - 4800 West
 - 6000 West
 - 10400 North
 - 9600 North
 - Highland Boulevard
 - Canal Boulevard/9850 North
 - 6800 West
 - 11800 North

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Background cont.

- Municipal Code Section 12.08.050 – *adopted August 4th, 2020*
 - The City to not accept/permit road connections that primarily serve property out of Highland City boundaries unless they are part of the city’s transportation or annexation plans

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Proposed Amendment

External Connections

Since the adoption of the Highland City General Plan, the City and its municipal neighbors (Lehi, Alpine, Cedar Hills, American Fork, Draper, and others) have seen significant growth and development. That growth has resulted in significant transportation and traffic demands on the City, both from new residents and businesses within Highland City as well as new residents and businesses outside of Highland that use Highland City roads. Highland City recognizes the need to ensure interconnectivity between Highland City and neighboring communities and supports cooperative planning efforts to address the needs of all communities in the area. However, connections to neighboring communities outside of Highland have the possibility of increasing the burden on Highland City residents in terms of additional traffic, congestion, safety issues, and road maintenance costs without providing offsetting benefits.

The City’s General Plan identifies the City’s primary inter-city transportation connections. Highland City’s policy regarding connecting Highland City roads to neighboring communities is that such connections should be limited to currently existing connections and those connections specifically identified in the City’s General Plan. Additional connections that primarily benefit neighboring communities and other property outside of Highland City or that primarily serve as alternative access points for areas outside of the City to connect to major transportation routes in or through Highland are discouraged. Requests for additional external or inter-city connections should be carefully reviewed to ensure that such connections are not a burden on Highland City or its residents, and they should only be approved if the property served by such connection is annexed into Highland City or there are appropriate measures in place to address safety, traffic loads, and construction and maintenance costs.

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Proposed Amendment

Policy: Prohibit the extension or construction of roads outside the Highland City corporate limits that will increase the impact on existing public roads that will unless such new roads are planned for in the city’s transportation plan or the property is included within the city’s annexation policy plan.

Implementation Measure: Update the Development Code and Municipal Code as needed.

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Recommendation

- Accept the findings and recommend APPROVAL

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