



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES

Tuesday, April 25, 2023

Approved May 23, 2023

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 – Audrey Moore, Chair

Invocation – Audrey Moore, Chair

Pledge of Allegiance – Commissioner Jerry Abbott

The meeting was called to order by Commissioner Audrey Moore 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 Audrey Moore and those in attendance were led in the Pledge of Allegiance by Commissioner Jerry Abbott.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Jerry Abbott, Chris Howden, Audrey Moore, Trent Thayn, and Debra Maughan

CITY STAFF PRESENT: City Planner and GIS Specialist Kellie Smith, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Assistant City Administrator and Community Development Director Jay Baughman, and Planning Commission Secretary Jill Powell

OTHERS PRESENT: Jon Hart, Brent Hone, James Samson, Michelle Samson, Garret Farris, Doug Cortney, Todd Amberry, Garon Larsen, and Sid Allsop.

1. SWEARING IN NEW PLANNING COMMISSIONER

Stephannie Cottle, City Recorder, issued the Oath of Office to Debra Maughan as a new Alternate Planning Commissioner.

Commissioner Maughan joined fellow commissioners on the stand.

2. UNSCHEDULED PUBLIC APPEARANCES

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

Doug Cortney, Highland resident and Chair of the Highland Fling Grand Parade. Mr. Cortney is adding a group at the end of parade to gather garbage. He asked the Planning Commission members to help identify neighborhood leaders who would be willing to help find parade volunteers. Mr. Courtney passed out a handout listing volunteer needs and his contact information. He is asking for a minimum of 38 adult (12 and older) volunteers. He asked that neighborhood leaders and/or volunteers get in touch with him.

Commissioner Moore thanked Mr. Cortney for his work on the parade and reiterated the three minute limit for public comments.

3. 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** *General City Management - Jill Powell, Planning Commission Secretary*
Regular Planning Commission Meeting – February 28, 2023

Commissioner Howden MOVED to approve the February 28, 2023 minutes. Commissioner Thayn SECONDED the motion. All present were in favor. The motion carried unanimously.

4. PUBLIC HEARING: PRELIMINARY PLAT - WILLIAMS VIEW *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Chris Howden for preliminary plat approval of a 14-lot subdivision in the R-1-40 Zone located at approximately 11240 N 6000 W. The Planning Commission will take appropriate action.

Commissioner Howden began by stating that because of his conflict of interest in this particular hearing, he would remove himself from the stand and sit in the audience.

Ms. Smith recognized that several residents were present to comment on and address concerns about the road widening project near 11200 N but wanted to make clear that the application tonight does not pertain to that project and there would not be any decisions made at this meeting. The 11200 N project will be reviewed by the City Council at a future date. The Planning Commission will only be reviewing the plat approval request listed above. She stated that any decision made on the preliminary plat does not make any impact on the decision of whether or not the widening will go through.

Staff recommendation for this application is that the planning commission recommend **APPROVAL** of this preliminary plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received April 5, 2023.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.
4. The developer shall coordinate with TSSD and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved, the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD.
5. The developer shall work with staff to come up with a 66' wide flared intersection on the north side of 11200 N that provides for greater turn-lane capacity, while providing a logical connection to Highland Peak Estates. The developer shall coordinate with staff on a potential property swap of the City-owned triangle on the north side of the property along 6000 W in order for the City to acquire

the right-of-way for this 66' wide flared intersection. The property lines on Lots 6 and 7 shall extend to the back of the sidewalk along 6000 W.

6. Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.

The other item of discussion is for Lehi Irrigation. One of the attachments in the staff report is a Tail Water Agreement between Lehi Irrigation, Highland City and Patterson Development. This is not associated with the preliminary plat but is along 6000 W. Staff are working with the developer to have it constructed at the same time as the subdivision. This will be a 100% reimbursement agreement where all engineering costs and construction costs will be reimbursed to the developer by these 3 parties.

Ms. Smith clarified that Patterson Development will pay for their entire width of frontage along Sunrise Farms which equals about 50% of the cost. The other frontage is split between Highland City and Lehi Irrigation 50/50. The 3 parties have already agreed to this cost-sharing plan. The terms and timing of the agreement will be coordinated with the developer between this potential approval and the final plat.

The reason Highland City is involved is because it is a Lehi Irrigation ditch. We use this ditch for our Well #4 pump to waste. Currently the tail water goes out into the Patterson long horn piece. Once they develop that, it is planned to be redirected to Dry Creek. We are putting the pipe in the ground now during the construction so we don't have to tear up a brand new road later. As far as citizen participation, we sent out the appropriate public hearing notices as this does require a public hearing. Staff has received comments from 10 different residents regarding what was mentioned at the beginning about the 11200 N connection.

Ms. Smith explained that on the general plan, there is a Transportation Master Plan that is adopted through the general plan. Ms. Smith highlighted 11200 N in the Transportation Master Plan that is designated as a two-lane residential collector with a 66' wide right-of-way. This 66' of right-of-way goes from 4800 W to 6000 W. Because of that, staff understands that the two subdivisions directly east of this subdivision were developed with 56' of right-of-way; whereas everything past that was all developed at 66' of right-of-way to be compliant with the Transportation Master Plan.

Understanding that those 56' of right-of-way are already completed east of the proposed subdivision, staff tried to come up with a reasonable way to still be compliant with our Transportation Master Plan. The compromise staff came up with is to match the 56' of right of way on the east side and then at about the half-way point, flare it out to a 66' flared intersection at 6000 W. Staff are reviewing this preliminary plat for compliance with our Transportation Master Plan.

This is our proposal to meet it as close as we can, understanding that we are not going to put 66' of right-of-way right next to 56' of right-of-way. As part of the stipulation, there is a jog on the NW side where our City right-of-way jogs out. The proposal is to have the developer extend their property lines. The City would be vacating some sitting right-of-way to allow the lots to go to the back of the sidewalk. We would swap that to have the full 66' of right-of-way at the intersection of 11200 N and 6000 W.

Trails:

In the Trails Master Plan, it shows on 6000 W from Timpanogos Highway to 11800 N a proposed Main City Trail. In working with the applicant, staff looked at possibilities of a trail being on 6000 W. Currently we are working on an Active Transportation Plan with Alpine. We have hired Horrocks Engineering to help us with that plan and the studies associated with it. It has not yet been adopted by the City Council. It will tentatively be adopted around June.

The proposal in the staff report is to have an on-street facility. For that facility, we wouldn't need additional right of way. Staff hopes to move forward with this plan we are working on rather than the plan currently

adopted. That would be an exception that the Planning Commission and City Council would have to consider and decide on.

Theme Wall:

The developer is required to provide a 6' tall Theme Wall along 6000 W because it is a major collector. Part of this has extremely steep grading and will need some retaining. Staff and the applicant came up with a solution to transition the Theme Wall into a Decorative Retaining Wall. From the road it will look like a 6' Theme Wall but part will act as a Retaining Wall. It will look consistent and have a smooth transition.

Ms. Smith proposed a motion to recommend and stated that it requires a public hearing.

Commissioner Moore opened the public hearing at 7:22 PM and asked for public comment.

Chris Howden, applicant for the above development, stood to voice his concern about stipulation #5. He stated that it is presented here as having nothing to do with the collector road and the potential of knocking down the Harris garage and making the connector. He stated that the way it is being presented to him both verbally and in writing is for the sole reason of doing the 66' because of the Master Plan which calls for the connected road.

Mr. Howden said "I'm not sure how you can argue for one thing and the justification for that one thing is because it is a collector road. But then at the same time to say to the residents we encourage you not to make any comments about it. They are tied together."

Mr. Howden stated that the Patterson subdivision to the west was not required to do a flare-out connection. He asked if the Planning Commission would be willing to make an exception to the Master Plan as presently constituted given the history of a building permit given to the Harrises in 2018 to construct the garage as well as the two subdivisions that were encouraged to do 55' instead of 66' right-of-way.

Mr. Howden also asked to make sure in stipulation #6 that the ditch doesn't end in his driveway. If it goes all the way down to Dry Creek as planned, that makes sense but he doesn't want a 2' waste-water discharge ending at his driveway.

Christine Oldroyd stood to voice her opposition to requiring the 66' wide flared intersection. "We, in the neighborhood, don't feel like it needs to be 66'. We don't want it to be a collector street. We want it to stay 56' wide and to be a quieter, more residential road."

Scott Oldroyd stood and stated "I want to ditto what Chris is saying about why require him to have a flare of 66' when Patterson across the street is not required to. The street is wide enough. We have enough access to the neighborhoods. We've got a light at 5600 and 6000. I don't see the need to flare out."

James Sampson asked, "You talk about Master Plan but what did the Master Plan say about the trail going down 6000 and what were the plans on that originally?"

Ms. Smith responded by showing the Trail Master Plan. She said that no engineering was completed on this to propose it. It is designated as a Proposed Main City Trail. It starts at Timpanogos Highway and then connects to 11800 where you have a meandering sidewalk and then along Beacon Hill Boulevard.

Commissioner Moore closed the public hearing at 7:28 PM and asked for additional discussion from the planning commission.

The planning commission talked back and forth and asked questions about whether or not the trail connects to anything or if it would make more sense to keep the trail on 6000 W. To which Ms. Smith replied, the definition

of the trail is an off-street facility. The Active Transportation Plan looks at both on-street and off-street facilities and gives ideas and recommendations for each. This portion hasn't been adopted, but based on the grading and existing homes on that side, they are proposing that portion be an on-street facility. The side is yet to be determined.

Commission asked what the longhorn section would be. Ms. Smith stated it is a normal sidewalk and does not count as a trail. Active Transportation is meant to accommodate walkers, bikers, and other users.

Commissioner Abbott asked for an explanation of the water on the driveway mentioned by Mr. Howden. Ms. Smith explained that the City uses a Lehi Irrigation ditch for the tail water for Well #4. Currently the ditch directs water to the longhorn piece. That is how it will be until the Patterson's develop their piece. When they do develop their piece, Highland City needs a place to direct tail water. The proposal is to direct it to Dry Creek. The City will pipe and direct it north and into Dry Creek. Water will not go through the pipe until the longhorn piece is developed. Highland City would be liable and would never direct the water to go onto private property.

Currently, Staff are working on funding. The City does have the funding for the 50% needed to pay for the portion that goes along Chris' piece. Staff would like to construct the pipe now while the street is being constructed but water will not move through the pipe yet.

Commissioners asked if the City would be liable for the downstream increased flows that will be created. Mr. Patterson stated that there will be a lot of questions concerning this for Highland and hundreds of Utah cities. If the City does something that alters the natural drainage, there is some chance but cities are not generally liable for what the courts call "Acts of God." If the City did something negligent then they would be liable.

Commissioner Thayne asked Ms. Smith to show where the pipe would go. Ms. Smith said it would need go along 6000 W to Dry Creek. Staff are currently working with Lehi Irrigation on where they want the pipe to be set. They want it in our right of way. They don't want to have any additional easements.

Commissioner Moore asked if this decision would cause a problem for us as far as residents building fire pits and entries into the Dry Creek area on low sections of their property. Ms. Smith said it won't impact the decision to pipe the ditch.

Commissioner Maughan asked about the piping going into Dry Creek and asked if Dry Creek itself is maintained well enough to take water in and not overflow. Mr. Patterson reiterated what Ms. Smith pointed out, before Highland City pipes the water, we will do engineering and figure out where it needs to go and how we will maintain the Dry Creek channel. Ms. Smith clarified that when we say we pump to waste with Well #4, we do that annually. We won't be dumping water in every week.

Commissioner Maughan talked about two houses on 11200 N. She feels like a wider entry will invite more cars into that neighborhood. She asked what the purpose of widening it would be. Ms. Smith addressed the impact portion first. The widening is specifically on the applicant's piece. We aren't doing any on improvements on the other side of the road. We are talking specifically about vacant property that doesn't have any existing homes. As far as the 66' flared intersection, it is part of the current Transportation Master Plan. Whether that changes in the future or not, that is not something we can determine yet. We are working on a comprehensive General Plan update in the near future. This will be a section we will look at and do extensive study on. As of right now, all we can do is plan for what is on our existing plan and has been looked at. Whether it ends up connecting or not, we don't have the answer today. That is where planning comes in—we plan for what we can and then deal with items when they come.

Commissioner Thayn asked about the sewer easement on lot 7. If they can't figure the easement out and it has to stay there, is that lot still viable? Mr. Howden added that when you actually widen 6000 W to 66', the sewer line will be exposed 18" above the ground so it is not practical. He expressed that he and staff have already come to an agreement--we would have to reroute the line along the back of the properties parallel to 6000 W. This helps us so we can develop the property but doesn't help TSSD have access to it. Currently the lines have a 50-year life span and this was built 47 years ago. The line is sketchy so they would prefer to have access on a tar road.

Commissioner Thayn questioned whether there was an agreement made before going before the City Council. Mr. Howden responded by saying he is meeting with them next Monday or Tuesday. There will be a separate approval board probably at the end of May. By the time we come back for final plat approval, it will either just disappear because it is not feasible or we will come back and say everything is sorted.

Commissioner Thayn's follow-up question to that is that easements are typically not single. If you get the TSSD to sign off, are there any other easements of any other kind? Mr. Howden confirmed this is correct. He will pay to abandon the line, remove the manholes, fill with sand where appropriate but will have other easements that are part of normal development.

Commissioner Thayn then asked about the 66' flare. He asked if there are any maintenance concerns with that road not going to the 66' and if there are any plans or requirements that will be a problem if the City doesn't meet our current Traffic Plan. Ms. Smith said probably not in regard to typical road maintenance or snow plowing. Commissioner Thayn asked about drainage. Ms. Smith said that even in a typical 56' right-of-way, we have standards for where utility lines are located. The 66' right-of-way is because it is on our Master Transportation Plan. She said the other purpose of a 66' right-of-way is to provide for a right turn lane.

Commissioner Thayn asked if anyone in public safety has addressed for firetrucks or other public safety vehicles to turn in. He asked if there is a big difference the extra 10' will provide. Ms. Smith said no not as far as firetrucks--their minimums are 20 feet of asphalt. Our public works and engineering departments have seen this and as far as staff recommendations go for all those departments, it will all be the same as far as following the Development Code and Master Plans that the development code requires.

Commissioner Thayn asked Ms. Smith to go over the aforementioned property swap. Ms. Smith said that this portion has been in question as they have been going through the development process so they haven't been able to determine what the actual square footages are. The swap may or may not happen. Ideally, they would have the property lines adjusted to be along the back of lots to be consistent with typical property lines and where setbacks are measured. The idea was to come up with a compromise by trading the square footage the City owns on 6000 W for the 66' flared intersection on 11200 N.

Commissioner Abbott commented on road width. He asked if the General Plan is a guideline. Mr. Patterson commented that the exception to the General Plan relates to roads. He said public roads are required to comply with our Master Plans. Commissioner Abbott then asked what would happen if we didn't comply. Mr. Patterson that someone could challenge it. That is not likely to happen because everyone seems to be in favor of the exception, but that would be the immediate effect. There is no real precedence. It's just a question of do we want to grant the exception or not. Commissioner Abbott stated that he feels that ship sailed when we allowed the two subdivisions to have 56'. The City ignored the 66' until now. He feels it would be more cohesive if we had the 66' on the east side and it stays at 56' on the other side. He feels the City is hyper focused on this item.

Ms. Smith clarified that both subdivisions were approved in the early 90s and the Master Transportation Plan was adopted in 2008.

Commissioner Abbott said he sees the City spending money on a lot of other things like trails and road conditions.

Commissioner Thayne followed up saying he doesn't see an issue with the flare. He thinks it adds safety, doesn't detract from the neighborhood, and he doesn't see how it increases the speed of the road since it's a turning lane to go right. He commented that he is trying to see how we can approve something that goes against what we have already approved and wondered if we have the right to do that. Mr. Patterson stated that under state law it says General Plans are generally advisory (guidelines). The limited exception to state law is where it says, "After a legislative body has adopted general plans in a street, park or public way, ground weather publicly or privately owned may be constructed or authorized until and unless it conforms to the current general plan." Highland City's code reflects the development code and says, "for all subdivisions, they must conform to the city's Master Transportation Plan to uphold the state law and City code requirement for roads to conform to General Plan requirements." That does raise the point that to hold firm to that would actually be to require 66' of right-of-way the entire width up until the boundary of the property. Staff doesn't see the need for that in the way the previous subdivisions were approved prior to the General Plan but that is certainly within the Commission's ability to recommend.

Commissioner Maughan stated that she feels way too much is going into thinking about this little jog.

Ms. Smith clarified that the reason why the Patterson's don't have to do 66' is because it is not in the Transportation Master Plan. The 66' is specifically for 6000 W to 4800 W. No exception was given to the Patterson's. She also restated that this connection and any potential widening is not part of this application and none of the decisions made tonight will impact that. It is something that will be reviewed by Counsel at future date.

Commissioner Moore asked if Mr. Howden will be compensated for the widening? Mr. Patterson answered that he would not because it is part of the development and is considered an exaction.

Commissioner Thayne asked if the City would be put into any type of circumstance if the Planning Commission approves it as we have it presented here. Mr. Patterson said the risk to the City is that someone could challenge it by saying the City should have required more.

Commissioner Thayne MOVED that the Planning Commission accept the findings and recommend APPROVAL of the preliminary plat for the Williams View subdivision subject to the stipulations recommended by Staff.

1. The final plat shall be in substantial conformance with the preliminary plat received April 5, 2023.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.
4. The developer shall coordinate with TSSD and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved, the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD.
5. The developer shall work with staff to come up with a 66' wide flared intersection on the north side of 11200 N that provides for greater turn-lane capacity, while providing a logical connection to Highland Peak Estates. The developer shall coordinate with staff on a potential property swap of the City-owned triangle on the north side of the property along 6000 W in order for the City to acquire the right-of-way for this 66' wide flared intersection. The property lines on Lots 6 and 7 shall extend to the back of the sidewalk along 6000 W.
6. Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.

Commissioner Maughan Seconded the motion with the stipulation to drop #5. I move that the planning commission accept the findings and recommend approval of the preliminary plat for the Williams view

subdivision subject to the stipulations recommended by staff except for #5. I would recommend that we keep it at 56’.

Commissioner Abbott seconded the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Abstain</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Absent</i>
<i>Commissioner Trent Thayn</i>	<i>No</i>
<i>Commissioner Alternate Debra Maughan</i>	<i>Yes</i>

Motion carried 3:1

Mr. Patterson double checked to make sure the Planning Commission could pass this with the majority of those present and found it to count.

5. ACTION: ZONING APPROVAL - BLISS BEAUTY LOUNGE, LLC *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold consider a request by Garon Larson to allow Bliss Beauty Lounge, LLC—a business offering facials, makeup, and hair styling services—as a permitted use in the Residential Professional Zone. The Planning Commission will take appropriate action.

Ms. Smith stated that the staff recommendation for this application is for the Planning Commission to recommend approval of the proposed use in the residential professional zone. Ms. Smith shared the background for this application: City staff had a commercial business license application come through for approval. This application is in the residential professional (RP) zone. They are wanting to add an additional tenant who is offering aesthetician services, providing blowout and hair stylist services, and selling makeup. Staff reviewed this application and found the permitted uses in a residential professional zone allows for community uses, financial institutions, Medicare care facilities, professional offices including but not limited to the following:

1. Doctor, dentist, psychologist, psychiatrist or nurse.
2. Single family residences.
3. Other types of stores or services which the Planning Commission and City Council determine to be compatible with the intent of the zone.

Whenever a use has not been specifically identified in the forgoing classification, it shall be the duty of the Planning Commission to recommend and the City Council to determine if said use is consistent with the intended use of the RP zone, is compatible with the other listed uses and is compatible with the uses of adjacent properties.

The applicant described the services they would like to provide. In reviewing the application, staff have determined that it was not a listed or specified permitted use in the RP zone. In communication with the applicant, they gave further description by calling the business a medical care facility saying the manager is a master aesthetician, a nurse will be on staff as well and that the products and treatments are medical procedures and medical grade products which require a medical license to secure and administer.

Another part of the request is to also offer hair styling services and makeup which aren't necessarily tied to an esthetician practice. Because of that portion of the business, staff feels it is necessary to go before the Planning Commission and the City Council for approval.

As staff we feel it is compatible with the purpose and intent of the zone. It is not a retail use and does not create any prohibited nuisances. Staff recommendation is to recommend approval. This does not require a public hearing. The applicant, Garon Larsen, is present if you have any questions for him specifically.

Commissioner Moore offered Mr. Larsen the opportunity to speak. He declined.

Commissioners asked where the building is located and whether there is enough parking available.

Ms. Smith shared that the building is already constructed, is used as a dentists' office, that there will be no new square footage, and that there is adequate parking.

Mr. Cortney stood to voice a recommendation of adding an additional finding that the building is compatible with the use of adjacent properties. He said this is a finding that is required to be made and doesn't seem to be covered by the recommended findings.

Commissioner Moore MOVED that the Planning Commission recommend APPROVAL of the proposed use in a residential professional zone adding that it is compatible with the uses of adjacent properties.

Commissioner Howden SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</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 Jay Roundy</i>	<i>Absent</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Debra Maughan</i>	<i>Yes</i>

Motion carried 5:0

6. PUBLIC HEARING/ORDINANCE: PLANNED DEVELOPMENT MAJOR AMENDMENT - APPLE CREEK/TEN700 *Planned Development Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Todd Amberry representing Hillwood Homes at Ten Seven Hundred LLC to create an encroachment allowance allowing for a roof overhang and other similar encroachments onto adjacent private lots in the Apple Creek Planned Development. The Planning Commission will take appropriate action.

Ms. Smith explained that this is a major amendment to a plan development, so we treat it like a development-code amendment where it is legislated. The commission has full discretion to recommend approval or denial.

We don't have a recommendation for approval or denial. If you approve, we do have recommended stipulations.

Background: The Ten Seven Hundred Subdivision is being constructed across the street. The property has a planned development (PD) associated with it. The PD allows for a zero-lot line setback on one side of each of these lots and then a 10' setback on the other side. (There are walls along the zero-lot line and then a 10' side yard and then the next building.) In the PD, there is no mention or allowance of projections over property the lines. The PD shows architectural examples and requirements where three out of the five buildings didn't have an overhang.

When Staff approved the PD, we assumed there was a zero-lot line. When it came to submitting for a building permit, the plans for lot 2, the building was proposed on zero-lot line and didn't show any roof overhang. When our building inspector reviewed it (understanding that there was no roof overhang) he still added comments reiterating the fact that there can't be a roof or soffit over the property line.

The building was then constructed with a 12" roof overhanging the property line. As a result, when one of our inspectors went out, he failed the inspection. After the failed inspection, the homebuilder, developer and Staff met. In discussion to find solutions, Staff determined that the changes being discussed would require a major amendment.

In the code for planned developments, there are Minor Amendments and Major Amendments. Minor Amendments are specifically listed and Staff can approve. If changes don't meet development code requirements, a Major Amendment is required. Staff determined this request to be a Major Amendment.

The builders requested and wrote this amendment:

The proposal is to allow for roof overhangs, exhaust vent terminations, utility meters and other projections on the zero-lot line side of the villas may extend onto the adjacent lot (including any setback areas on such adjacent lot) by up to three feet. A recorded declaration shall contain a prohibition on any structures or ignition devices being placed within 5 feet of the villa wall on the abutting zero-lot line of any lot, which prohibition shall not be amended without the written consent of Highland City.

Ms. Smith said, "To break that up, they would record this in their CC&Rs. It would be associated with the property and the CC&Rs could not be changed without City approval."

Continuation of builder's amendment:

Highland City has determined that the permitted projection of roof overhangs, exhaust vent terminations, utility meters and other permitted projections, when combined with the prohibition in the previous sentence complies with the International Residential Code's distance requirements for fire separation distance for Villa projections.

Ms. Smith stated that if the Planning Commission agrees to approve, Staff has suggested stipulations. First, Ms. Smith reviewed the primary development code sections that Staff determined the request did not comply with and therefore required a major amendment. PDs allow you to make exceptions to the Development Code with your legislative approval.

1. Only one building is allowed on one lot.
2. No setbacks can be measured from someone else's yard or off of a different property line.
3. International Residential Code, (this is our building official's main issue and is adopted by our City) states that for non-sprinkled buildings, fire-resistance rated projections from walls must have a "fire separation distance" between two to five feet, and projections with less than two feet of fire separation distance are "Not allowed." "Fire separation distance" is defined as "the distance measured from the building face to one of the following:

A. To the closest interior lot line.

a. As far as this not meeting the International Residential Code, you cannot have a projection closer than two feet from the closest interior lot line.

b. Here you have a projection going over the lot line, so this does not meet the requirement.

B. To the center line of a street, an alley, or public way.

C. To an imaginary line between two buildings on the lot.

a. With their proposal, they are wanting to use number 3. The imaginary line is part of this proposal so in the CC&Rs we are going to create this five foot prohibition of ignition sources and any structures. That would be our imaginary line by International Residential Code.

If the Planning Commission decides to recommend approval, here are the stipulations Staff recommends:

1. The 5' prohibition of structures or ignition devices on the side yards adjacent to the zero lot line of the Villa lots be recorded by easement in addition to the stipulation being outlined in the CC&R's. The easements shall be approved by the City. The applicant may decide to either have the easements recorded through the plat amendment process, or have individual easements be recorded to each individual lot.
2. The allowance of "other projections" be removed and only allow roof overhangs, exhaust vent terminations, and utility meters specifically.
3. The encroachment allowance of up to 3' be reduced to 2'.
4. The encroachment allowance shall be recorded as an easement on each property where there is encroachment onto that lot. These easements shall also be approved by the City. The applicant may decide to either have the easements recorded through the plat amendment process, or have individual easements be recorded to each individual lot.
5. The last sentence in the proposed amendment be changed to say the following: Compliance with the maximum projection distance, and the recordation and enforcement of the prohibition on structure and ignition sources, as described in the previous sentences, shall be required to satisfy fire separation distance requirements under the IRC.

Staff's concerns with these easements and the recording of these easements are the residents' expectations.

1. It's not typical for a resident to expect to look at code or recorded easements to know what kind of activities they can do in their side yards.
2. The potential impact of residents not following the requirements of the easement even if they understand it and know it. If there was a fire, technically we wouldn't be liable for it but we are trying to protect these future residents and their homes.
3. The difficulty of the City enforcing things of this nature. In the staff report regarding our encroachment policy with encroachments on City property, this has been difficult to enforce over the years.

As far as being required in CC&Rs, technically it would be the HOAs responsibility to enforce that. All HOAs are different and their enforcement can be different. That is why we are requiring it to be in the PD and have it be recorded easements so we would have the right to enforce it.

Commission Moore opened the public hearing at 8:38 PM and asked for public comment. Hearing none, she closed the public hearing at 8:38 PM and asked for additional discussion.

Commissioner Abbott clarified his understanding of the issue which is that right now if the eave is cut off, it would not be aesthetic. The way the amendment will be edited will fix the issue.

Commissioner Thayn asked the questions, "What is and what isn't allowed in that easement?" and "Do residents have to allow others to access the utility boxes?" Mr. Patterson said the way we would have them edit

the language for the easement would be to say there will be a right to maintain a 2' encroachment which implies the right to access the utility box.

Commissioner Thayn also asked if there are any fence stipulations. Mr. Patterson said that this would not restrict fencing but that it does present an access question.

Mr. Patterson addressed the Planning Commission and said that this update is not a safety or fire code issue, it is a "What do you want for Highland issue?" If you want to allow this, we have given you a recommendation for how to craft the language to allow it in a way we are more comfortable with.

Applicant, Todd Amberry stood to add some context to the PD. "The PD was approved as zero-lot line which allows the homeowner to have a full side yard. Instead of having a traditional 5' side yard setback on either side, you push the houses all the way over to one side. You still have your 10' separation. The whole side yard is a private yard for one house. The idea is that you will fence in the front and back. Residents and others will have access if they need to get into that private side yard."

Commissioner Abbott asked if the meters are behind the fences. Mr. Amberry answered with a yes.

Commissioner Thayn asked what means and methods the City can put in place to avoid enforcement of property line issues. Mr. Amberry said that what the City has proposed is very reasonable and rational and smart. He said the CC&Rs and HOA is the first line of defense. Everyone signs these. You can go back to these if needed. He said the second line of defense is to record an actual easement on the lot.

Commissioner Howden moved that the Planning Commission recommend **APPROVAL** of the proposed amendment to the Apple Creek Planned Development relating to building encroachments onto adjacent private properties with stipulations 1-5 recommended by staff.

Commissioner Abbott seconded the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Chris Dayton	Absent
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Absent
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Absent
Commissioner Trent Thayn	Yes
Commissioner Alternate Debra Maughan	Yes

Motion carried 5:0

7. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - STORM DRAINAGE *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 5-9-105 Storm Drainage in the Development Code to update regulations regarding drainage being directed toward the right-of-way. The Planning Commission will take appropriate action.

Ms. Smith said that this is a development code update relating to storm drainage being directed toward City right-of-way. It is also a legislative item so the Planning Commission has full discretion whether to recommend approval or denial. Our staff recommendation is to hold a public hearing and then recommend approval of the proposed amendment.

Ms. Smith explained the background for this amendment: We have had several developments come in recently that have required our parkway detail. Our General Plan designates specific corridors (larger collectors) that require our parkway detail which is 29' wide, has a meandering sidewalk, is landscaped and looks really nice. In our parkway detail, which is an adopted engineering standard, it does not specify the slopes at which the parkway detail should be graded. As a result, we have had difficulty in requiring developers to slope the drainage for the roads.

Parkway detail also requires a fence at the edge of the parkway detail. So you have a fence, parkway detail, and then curb and gutter. Engineering and Public Works prefer to have a 2% slope from the fence to curb and gutter directing the drainage to the road. We have run into an issue where the developer doesn't want to bring in the fill to allow for that 2% slope. We came up with a solution but essentially our drainage would be going into private lots on the other side of the fence. This drainage is something we want to avoid and not be liable for. In order to enforce this, we do need to make it specific in the Code to ensure that all of the drainage that is on City-maintained property is not going onto private lots.

Ms. Smith read the proposed amendment. A couple items are cleanup items because we haven't touched this code for a little while.

1. We do specify that all drainage shall be contained within a given property or routed to an approved drainage facility. We have been reviewing the on-lot retention where a lot of applications are coming in with grading directed from private lot to private lot. That is not something Staff wants. Ideally, each lot will maintain its own drainage. Any drainage that is on City property will be directed to more City property.
2. Fences or walls associated with the parkway detail or other fencing directly adjacent to public property along public rights-of-way shall be set such that drainage flows at a minimum of 2% slope from the base of the fence perpendicularly to the curb and gutter on the adjacent public right-of-way.

The Development Code amendment is the first step. If this is approved, the next step would be to update our parkway detail to reflect this same thing and show cross sections showing that specific slope.

Ms. Smith read over the Staff review/findings:

1. It is consistent with the current practices and desires of the Engineering and Public Works Departments.
2. It conforms to state law requirements regarding drainage.
3. The proposed amendment is needed in order to enforce a 2% slope.

Ms. Smith stated that this is a proposed motion to recommend approval written by Highland City's Engineer. Our Public Works staff and Engineering Departments all reviewed and agreed.

Commissioner Moore opened the public hearing at 9:00 PM and called for public comment. Hearing none, she closed the public hearing at 9:00 PM and asked for additional discussion.

Mr. Patterson stated it would be really hard for every lot to dig out a retention basin for their own lot. Rather, we channel it so all of it flows to one point. There are requirements for how much you have to contain. You can release some. The City requires the developer to put in storm water basins built into the streets.

Commissioner Maughan *MOVED* that the Planning Commission recommend *APPROVAL* of the proposed amendments to Section 5-9-105 Storm Drainage in the Development Code to update regulations regarding drainage being directed toward the right-of-way.

Commissioner Howden *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Chris Dayton	Absent
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Absent
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Absent
Commissioner Trent Thayn	Yes
Commissioner Alternate Debra Maughan	Yes

Motion carried 5:0

8. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - FENCES

Development Code Update (Legislative) – Kellie Smith, Planner & GIS Analyst

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Chapter 3-612 Fences, Retaining Walls, Theme and Screen Walls in the Development Code relating municipal fencing, how fence height is measured, and adjusting fence design requirements adjacent to trail corridors. The Planning Commission will take appropriate action.

Ms. Smith said that this is another legislative Development Code update. This one regards our Fence Code, Section 3-612 which is where we regulate Fences, Theme Walls, Screen Walls and Retaining Walls.

As far as prior council direction, on April 18 there was a communication item regarding our fence ordinance and trail corridors. A councilmember requested that this be discussed and another item was brought from staff regarding municipal fencing.

In our discussions, Councilmembers directed staff to move forward with an amendment to allow chain link fencing for Municipal Facilities. Ms. Smith gave an example of the Hogs Hollow Trail Connection where the City installed a vinyl-coated chain link fence.

Councilmembers also directed staff to change the requirement for fences adjacent to trail corridors. “Along our trail corridors we require fences to have the top 2’ be 55% open and the bottom 4’ can be solid. We require this on trail corridors that are less than 40’ wide or not visible from two public places. Council members directed staff to reduce that to a 30’-wide corridor.

Staff recommended the planning commission hold a public hearing, accept the findings, and recommend approval of this proposed amendment.

There are a couple of different things not necessarily related to each other but they are related to this section of code.

1. There has been some confusion with some sections of code that contradict each other so we are trying to clarify how fences are measured. Ms. Smith stated that Parkway Detail Fencing is measured differently. In our parkway detail that we are going to work on and update, we are specifying that fence height has to be measured from the sidewalk elevation.
2. Regarding retaining wall height, the way we regulate maximum height in our Development Code is off of exposed height. We have been running into confusion because in the International Building Code, they base retaining wall height off of the bottom of footings. We are also going to clarify that differentiation in our Code.
3. The direction from Council we are addressing regarding the trail corridors. Municipal Fencing, and Theme Wall regulations are changes in this amendment. At the April 18 City Council meeting, several residents came regarding the fence along Alpine Highway. This fence is actually a theme wall.

The proposed amendment addresses concerns raised during that meeting. The Planning Commission can choose whether they think it is necessary to include that or to omit it. . The main subsections in the proposed amendment are the following:

1. Permits are required regarding everything in this section.
2. General section that has general regulations regarding each of these things.
3. Residential Fences
4. Theme Walls
5. Screen Walls
6. Retaining Walls
7. Municipal Fencing and Retaining Walls (Which is a new section.)

Fence height shall be measured from the highest point of the finished grade to the highest point of the fence. "Finished grade" means the average finished grade of the property within 5' of either side provided that the fence shall not exceed 8' in total height along any point as measured from the lower property grade. We set a maximum of 8' because we recognize there is a difference in elevation between lots but we do not allow residents to build higher than 8' measured from the lower property.

The Council is wanting trail corridors reduced to 30' wide rather than 40' for that top 2' 55% open requirement. Ms. Smith showed examples of trail corridors with approved fencing and said that it makes the corridor feel more open and is safer.

The proposed amendment is to require that all theme walls be located on private property and be owned by the owner of such private property or by a homeowners' association unless the City agrees otherwise by way of a condition of approval during the development review process or recorded agreement.

The issue with the Alpine Highway fence is that there has been confusion and back and forth regarding who owns it. Regarding other theme walls, it is well understood that it is either HOA owned or owned by the private property owner. The City is not going to maintain any of those walls. The Alpine Highway fence was installed 30 years ago and a lot of people have different stories and understandings of who owns this. With this change, we are eliminating confusion.

The amendment also adds a section regarding maintenance and reconstruction of theme walls. Obviously, they are privately owned, but we as a City, would like to regulate the fact that it is a theme wall. We don't have any verbiage regarding what happens after the installation. The proposal is to add:

1. The owner of the theme wall shall maintain the theme wall in reasonably good and safe condition.

2. Any reconstruction of the theme wall shall conform to the theme wall design approved as part of the development review process unless a different design is approved by the City Council.

Mr. Howden asked about what type of fencing is allowed. He mentioned that things thought to be nice like vinyl, have deteriorated over time. This language is saying the owners have to fix their fence with a presently non-compliant fence but one that was approved in the past. Mr. Patterson said the suggestion is that the walls are kept the same unless Council says otherwise. He added that if the Planning Commission has a better idea, Staff would love a recommendation.

Commissioner Thayn added that if we want to change walls to be modern, we have the ability to do so but we have to get approval.

Ms. Smith spoke regarding the International Building Code and the Development Code discrepancy. IBC requires a building permit if the retaining wall is taller than 4' measured from bottom of footing. People have been confused because in our Development Code we base everything off of exposed height. We have made that clarification in this Code.

For municipal fencing, our verbiage is that fencing for Highland City may be chain link. Fences and retaining walls for Highland City may deviate from these standards for the benefit of the public and public resources. There is discussion about adding vinyl-coated chain link but it was brought up that for our baseball fields, we use chain link and that is better for the baseball fields. A lot of the municipal projects will be situational where the Council has the room to make decisions but allows us to meet our own Code.

Commissioner Moore opened the public hearing at 9:24 PM and called for public comment. Hearing none, she closed the public hearing at 9:24 PM and asked for additional discussion.

*Commissioner Moore MOVED that the Planning Commission recommend **APPROVAL** of the proposed amendments to Section 3-612 of the Development Code relating to municipal fencing, how fence height is measured, and adjusting fence design requirements adjacent to trail corridors.*

Commissioner Abbott SECONDED the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Chris Dayton	Absent
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Absent
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Absent
Commissioner Trent Thayn	Yes
Commissioner Alternate Debra Maughan	Yes

Motion carried 5:0

4. **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. Accessory Dwelling Units – Chris Howden, Planning Commissioner

Commissioner Howden spoke about creating in-law apartments (granny flats). The current code doesn't permit a second dwelling detached from the home on one lot. He said that as people age, they don't want to keep up 1 acre or 3-4 acre lots they have lived on for many years; but if they have to move in their 70s or 80s, they lose their social connection to the local community. This is also a way to address the state-mandated low income housing or moderate housing but still retains the core character of Highland.

Commissioner Howden said he lives on 5 acres. He said that when he and his wife, Jackie, get old, they would be sad to move away from their place where they have lived 40-50 years. He asked, "What if we had a situation where we could have a limited dwelling where we could sell our land to our children and we move could into the granny flat that is on the premises." The economic burden and the physical burden would be distributed to future generations but we retain the community we have grown to love.

Commissioner Moore said she loves the idea and said it is already happening. She would like to make it legitimate and account for low income housing mandate the City has been given. It is a solution for a built-out bedroom community. She said this could also work for our adult children who want to be out of the house but can't afford high rent.

Commissioner Abbott spoke about Flagstaff having an identical plan. He said one of the homes had to be owner occupied. It was a huge hit. Renting out both units is a bad idea but when you have owner occupancy of one unit, it helps.

Commissioner Maughan said she has an issue with the idea. She likes the idea when you own a minimum of 1 acre but it has to be a small house. We need housing for the elderly that can't afford half a million dollars or can't go downstairs. She said people talk about nice senior living, not necessarily assisted living but low maintenance but we are building all this other stuff with levels. It's a nice idea if you have an acre or 3 or 5 but small lots have no place to put a smaller unit. We would really have to have strict rules if we did this. Commissioner Maughan brought up the issue of parking and houses that have 6-8 cars parked out front. She said we would need to accommodate the rest of the City that has smaller lots.

Commissioner Moore suggested a percentage based on lot size.

Commissioner Abbott said we already do it; we just don't allow it to be detached.

Commissioner Thayne said he supports this idea. He asked Commissioner Abbott to share examples. He asked when the City will add this to the yearly survey sent to residents. Mr. Patterson said the survey will be sent out in the fall this year.

Ms. Smith said the survey is sent to gauge community support. She encouraged the Planning Commission to work with Council members to approve if they want to move forward with this idea before the survey.

Commissioner Moore said the Planning Commission will email back and forth and come up with ideas.

b. Future Meetings

- May 2, City Council, 7:00 pm, City Hall
- May 16, City Council, 7:00 pm, City Hall
- May 23, Planning Commission, 7:00 pm, City Hall
- June 6, City Council, 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

Commissioner Howden moved to adjourn the meeting.

Commissioner Abbott seconded the motion. All were in favor.

The meeting ended at 9:41 PM.

I, Jill Powell, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on April 25, 2023. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Jill Powell

Planning Commission Secretary

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Vicinity Map



7

Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed preliminary plat with the following stipulations:

- 1 The final plat shall be in substantial conformance with the preliminary plat received April 5 2023
- 2 All public improvements shall be installed as required by the City Engineer
- 3 The civil construction plans shall meet all requirements as determined by the City Engineer
- 4 The developer shall coordinate with TSSD and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD.
- 5 The developer shall work with staff to come up with a 66' wide flared intersection on the north side of 11200 N that provides for greater turn-lane capacity while providing a logical connection to Highland Peak Estates. The developer shall coordinate with staff on a potential property swap of the City-owned triangle on the north side of the property along 6000 W in order for the City to acquire the right-of-way for this 66' wide flared intersection. The property lines on Lots 6 and 7 shall extend to the back of the sidewalk along 6000 W.
- 6 Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.

8

Vicinity Map



- Zoning – R-1-40
- Land Use – Low Density Residential

9

Preliminary Plat



- 14 Single Family lots
- Road/utility access from 11200 N & 6000 W
 - Lots 1, 4, 7 no drive access from 6000 W
- TSSD line relocation
- Parcel A 30' wide sewer easement & PUE
- Lehi Irrigation

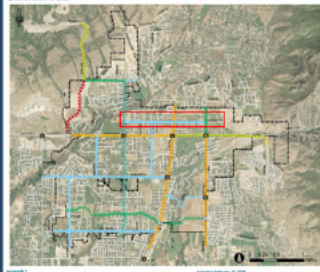
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Citizen Participation

- Public Hearing Noticing
 - State and City Websites
 - 3 public places
 - 500' radius notice letters sent April 13, 2023
- 10 comments received relating to 11200 N Connection

11

General Plan Transportation Master Plan



- 66-wide 2-lane residential collector

12

Two Lane Residential Collector Cross section

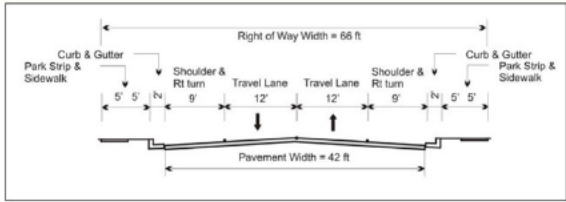


Figure 3-11. Two-lane Residential Collector Street Cross-section

13

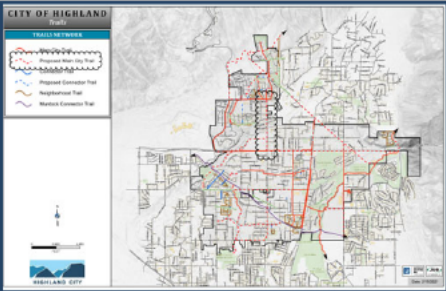
Recommended Stipulation #5 66' ROW



#5. The developer shall work with staff to come up with a 66' wide flared intersection on the north side of 11200 N that provides for greater turn lane capacity, while providing a logical connection to Highland Peak Estates. The developer shall coordinate with staff on a potential property swap of the City owned triangle on the north side of the property along 6000 W in order for the City to acquire the right of way for this 66' wide flared intersection. The property lines on Lots 6 and 7 shall extend to the back of the sidewalk along 6000 W.

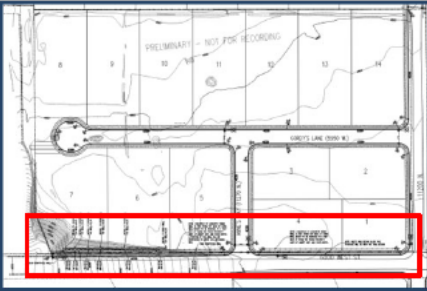
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General Plan – Trail Master Plan



15

Theme Wall & Retaining Wall



- 6' Theme wall required along 6000 W
- Theme wall to decorative retaining wall transition (Lots 6 & 7)

16

Recommended Stipulations

- 1 The final plat shall be in substantial conformance with the preliminary plat received April 5, 2023
- 2 All public improvements shall be installed as required by the City Engineer
- 3 The civil construction plans shall meet all requirements as determined by the City Engineer
- 4 The developer shall coordinate with TSSD and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved, the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD
- 5 The developer shall work with staff to come up with a 66' wide flared intersection on the north side of 11200 N that provides for greater turn-lane capacity, while providing a logical connection to Highland Peak Estates. The developer shall coordinate with staff on a potential property swap of the City-owned triangle on the north side of the property along 6000 W in order for the City to acquire the right-of-way for this 66' wide flared intersection. The property lines on Lots 6 and 7 shall extend to the back of the sidewalk along 6000 W
- 6 Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement

17

Motion to Recommend Approval

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the preliminary plat for the Williams View subdivision subject to the stipulations recommended by Staff.

18



ZONING APPROVAL - BLISS BEAUTY LOUNGE, LLC *Land Use (Administrative)*

Item 5 - Action
Presented by - Kellie Smith
Planner & GIS Analyst

19

Staff Recommendation

Staff recommends the Planning Commission review the allowed Residential Professional uses in the Development Code, accept the findings, and recommend **APPROVAL** of the proposed use in the Residential Professional Zone.

20

Residential Professional Zone

- Community Uses
- Financial Institutions
- Medicare Care Facilities
- Professional Offices including, but not limited to, the following
 - Architect
 - Certified Public Accountant
 - Doctor, Dentist, Psychologist, Psychiatrist, or Nurse
 - Insurance (not claims adjustment)
 - Lawyer
 - Engineer or Surveyor
 - Physical Therapist
- Single family Residence compatible with R 1.40 Zoning Regulations
- Other types of stores or services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.
- Whenever a use has not specifically been identified in the foregoing classification, it shall be the duty of the City Planning Commission to recommend, and the City Council to determine, if said use
 - Is consistent with the intended use of the R-P Zone; and
 - Is compatible with other listed uses; and
 - Is compatible with the uses of adjacent properties.

21

Background

- Commercial Application: *Blow out and hair styling services, facials, makeup. No cut or coloring.*
- In reviewing the application, staff determined that this use was not a permitted use. In communication with the applicant, they further described the business as follows: *This is a medical care facility, the manager is a master esthetician, a nurse will be on the staff as well. The products and treatments are medical procedures and medical grade products which require a medical license to secure and administer.*
- Because the applicant is requesting to offer hair styling and makeup services in addition to the esthetician treatments & products, staff concluded they must go through PC & CC approval.

22

Findings

- It is compatible with the purpose and intent of the Residential Zone.
- The use does not create any prohibited nuisances.

23

Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed use in the Residential Professional Zone.

24



PLANNED DEVELOPMENT MAJOR AMENDMENT – APPLE CREEK/TEN700

Planned Development Update (Legislative)

Item 6 – Public Hearing/Ordinance
Presented by – Kellie Smith
Planner & GIS Analyst

25

Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, review the request, and decide to recommend **APPROVAL** or **DENIAL** of the proposed amendment to the Apple Creek Planned Development.

If the Planning Commission decides to recommend **APPROVAL** of the requested amendment, staff recommends the following stipulations be included:

1. The 5' prohibition of structures or ignition devices on the side yards adjacent to the zero lot line of the Villa lots be recorded by easement in addition to the stipulation being outlined in the CC&R's. The easements shall be approved by the City. The applicant may decide to either have the easements recorded through the plat amendment process or have individual easements be recorded to each individual lot.
2. The allowance of "other projections" be removed and only allow roof overhangs, exhaust vent terminations, and utility meters specifically.
3. The encroachment allowance of up to 3' be reduced to 2'.
4. The encroachment allowance shall be recorded as an easement on each property where there is encroachment onto that lot. These easements shall also be approved by the City. The applicant may decide to either have the easements recorded through the plat amendment process or have individual easements be recorded to each individual lot.
5. The last sentence in the proposed amendment be changed to say the following: "Compliance with the maximum projection distance and the recordation and enforcement of the prohibition on structure and ignition sources, as described in the previous sentences, shall be required to satisfy fire separation distance requirements under the IRC."

26

Background

- PD zero lot line setback: no mention or allowance of projections over the property line (3 out of 5 architectural examples in the PD included no roof overhang).
- Building Permit Plans: building on zero lot line; no roof overhangs.
 - Comments made by Building Official that there could not be any eave or soffit projecting over the lot line.
- The building was then constructed with a 12" roof eave over the property line.
- Developer, home builders, and staff met to discuss the issue.

27

Requested Amendment

Roof overhangs, exhaust vent terminations, utility meters and other projections on the zero lot line side of the Villas may extend into the adjacent lot (including any setback areas on such adjacent lot) by up to three feet. A recorded declaration shall contain a prohibition on any structures or ignition devices being placed within 5 feet of the Villa wall on the abutting zero lot line of any lot, which prohibition shall not be amended without the written consent of Highland City. Highland City has determined that the permitted projection of roof overhangs, exhaust vent terminations, utility meters and other permitted projections, when combined with the prohibition in the previous sentence, complies with the International Residential Code's distance requirements for fire separation distance for Villa projections.

28

Development Code

3-602 Yard Space For One Building Only.
All required setbacks shall be situated on the same lot as the building or structure to which they apply. No required yard, area, or other open space around a building or use which is needed to comply with the area, setback, or open-space requirements of this Code shall be considered as providing the required area, yard, setback, or open space for any other buildings or use; nor shall any area, yard, setback, or other required open space on an adjoining lot be considered as providing the area, setback, or open-space requirements of a building or use.

3-604 Each Dwelling To Be On A Zoning Lot.
Only one building which contains a dwelling shall be located and maintained on a zoning lot.

10-102 Definitions.
83. Yard: The open-space area on a lot or parcel, except for permitted projections and landscaping, encompassing the territory between the outer wall of the building and closest opposite property line and extending the full width of depth, as appropriate of the lot or parcel.

29

International Residential Code

- IRC states that, for non-sprinkled buildings, fire resistance rated projections from walls must have a "fire separation distance" between two to five feet, and **projections with less than two feet of fire separation distance are "Not allowed."** IRC Table R302.1(1). "Fire separation distance" is defined as **"the distance measured from the building face to one of the following: (1) to the closest interior lot line, (2) to the centerline of a street, an alley, or public way, (3) to an imaginary line between two buildings on the lot."** IRC R202. "Lot" is defined as "a portion or parcel of land considered as a unit," and "lot line" is relevantly defined as "a line dividing one lot from another." Id.

30

Enforcement

- Resident expectations
- Impacts of residents not following the requirements of the easements
- Difficulty of City enforcing things of this nature

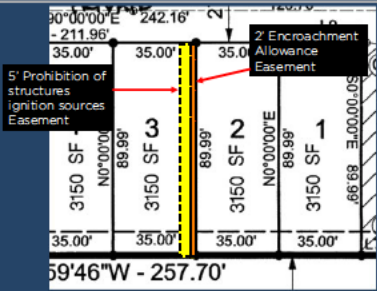
31

Stipulations Recommended by Staff

1. The 5' prohibition of structures or ignition devices on the side yards adjacent to the zero-lot line of the Villa lots be recorded by easement in addition to the stipulation being outlined in the CC&R's. The easements shall be approved by the City. The applicant may decide to either have the easements recorded through the plat amendment process, or have individual easements be recorded to each individual lot.
2. The allowance of "other projections" be removed and only allow roof overhangs, exhaust vent terminations, and utility meters specifically.
3. The encroachment allowance of up to 3' be reduced to 2'.
4. The encroachment allowance shall be recorded as an easement on each property where there is encroachment onto that lot. These easements shall also be approved by the City. The applicant may decide to either have the easements recorded through the plat amendment process, or have individual easements be recorded to each individual lot.
5. The last sentence in the proposed amendment be changed to say the following: **Compliance with the maximum projection distance, and the recordation and enforcement of the prohibition on structure and ignition sources, as described in the previous sentences, shall be required to satisfy fire separation distance requirements under the IRC.**

32

Recommended Easements (if Approved)



33

Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed amendment to the Apple Creek Planned Development relating to building encroachments onto adjacent private properties with the stipulations recommended by staff.

34

Motion to Recommend Denial

I move that the Planning Commission recommend **DENIAL** of the proposed amendment to the Apple Creek Planned Development based on the following findings: (The Planning Commission will need to draft appropriate findings).

35


TEXT AMENDMENT – STORM DRAINAGE *Development Code Update (Legislative)*

Item 7 – Public Hearing/Ordinance
Presented by – Kellie Smith
Planner & GIS Analyst

36

Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed amendment relating to storm drainage being directed toward the right-of-way.

37

Background

- Parkway detail does not specify slopes at which the parkway detail should be graded.
- Engineering & Public Works prefer to have any City-owned or maintained property to be set at a 2% slope toward the curb and gutter on the adjacent public right-of-way
- Need a way to ensure that all drainage on City maintained property be directed toward the road rather than spilling onto adjacent property.

38

Proposed Amendment

- Applicants and Subdividers shall ensure that drainage within or directed to natural watercourses does not cause an increase in frequency of flow or peak flow to the downstream facilities
- All drainage shall be contained within a given property or routed to an approved drainage facility
- Approved drainage facilities that are not owned and maintained by Highland City shall be established with ownership, insurance, and maintenance responsibilities prior to approval by the City Engineer
- All privately owned storm water facilities shall be maintained in accordance with long term storm water plans and maintenance agreements
- **Fencing or walls associated with the Parkway Detail or other fencing directly adjacent to public property along public rights-of-way shall be set such that drainage flows at a minimum of 2-percent slope from the base of the fence perpendicularly to the curb and gutter on the adjacent public right-of-way.**

39

Staff Review/Findings

1. It is consistent with the current practices and desires of the Engineering and Public Works Departments.
2. It conforms to state law requirements regarding drainage.
3. The amendment is needed in order to enforce a 2% slope toward public rights-of-way.

40

Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed amendments to Section 5-9-105 Storm Drainage in the Development Code to update regulations regarding drainage being directed toward the right-of-way.

41



TEXT AMENDMENT – FENCES
Development Code Update (Legislative)

Item 8 – Public Hearing/Ordinance
Presented by – Kellie Smith
Planner & GIS Analyst

42

Prior Council Direction

- April 18, 2023
 - Councilmembers directed staff to move forward with an amendment to allow chain link fencing for municipal facilities
 - Councilmembers also directed staff to change the requirement for fences adjacent to trails (reduce from 40' corridor to 30')

43

Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed amendment to Section 3-612 in the Development Code relating to fences and retaining walls.

44

Background

- Confusion regarding fence height calculation
 - Parkway detail fencing measured differently (will be specified in the engineering detail)
- Retaining Wall height – Dev Code vs IBC
- Direction from the Council - Trail Corridors & Municipal Fencing
- Theme wall regulations – April 18, 2023 Council meeting; extensive discussion on the Alpine Hwy Theme wall. Proposed amendment addresses the concerns that were brought up in the meeting relating to the maintenance or reconstruction of theme walls

45

Proposed Amendment Reorganization

1. Permit Required
2. General
3. Residential Fences
4. Theme Walls
5. Screen Walls
6. Retaining Walls
7. Municipal Fencing and Retaining Walls

46

Proposed Amendment – Fence Height

Fence height shall be measured from the highest point of the finished grade to the highest point of the fence. "Finished grade" means the average finished grade of the property within five (5) feet of either side provided that the fence shall not exceed eight (8) feet in total height along any point as measured from the lower property grade. (Fences adjacent to parkway detail will be measured from sidewalk elevation)

47

Proposed Amendment – Trail Corridors

- 6' solid fences along trail corridors that are at least 30' wide unless the trail corridor is not visible from two public areas such as a street or park. On trail corridors less than 30' wide, the fence is required to be four (4) feet solid with the two (2) remaining feet at least 55% open.

48

20' Corridor



49

30' Corridor



50

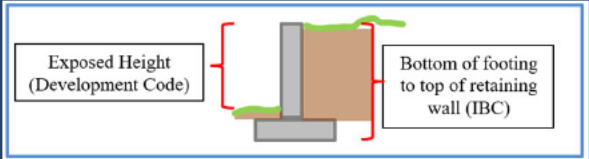
Proposed Amendment – Theme Walls

- All theme walls shall be located on private property and owned by the owner of such private property or by a homeowners’ association, unless the City agrees otherwise by way of a condition of approval during the development review process or recorded agreement.
- The amendment also adds a section regarding maintenance and reconstruction of theme walls:
 - The owner of the theme wall shall maintain the theme wall in reasonably good and safe condition.
 - Any reconstruction of the theme wall shall conform to the theme wall design approved as part of the development review process, unless a different design is approved by the City Council.

51

Proposed Amendment Retaining Walls

- IBC – Measured from bottom of footing
- Dev Code – Exposed Height



52

Municipal Fencing

Fences for Highland City may be chain link. Fences and retaining walls for Highland City may deviate from these standards for the benefit of the public and public resources.

53

Municipal Fencing Ex.



54

Municipal Fencing Ex.



55

Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed amendments to Section 3-612 of the Development Code relating to municipal fencing, how fence height is measured, and adjusting fence design requirements adjacent to trail corridors.

56



PLANNING COMMISSION AND
STAFF COMMUNICATION ITEMS

a. Accessory Dwelling Units

Chris Howden, Planning Commissioner

b. Future Meetings

- May 2, City Council Work Session & Regular Meeting, 6:00 pm, City Hall
- May 16, City Council Work Session & Regular Meeting, 6:00 pm, City Hall
- May 23, Planning Commission Meeting, 7:00 pm, City Hall
- June 6, City Council, 7:00 pm, City Hall

57



HIGHLAND CITY
PLANNING COMMISSION MEETING
April 25, 2023

ATTENDANCE SHEET

	PLEASE PRINT NAME:	EMAIL	PHONE#
1	Brent Hone		
2	James Samson		
3	Michelle Samson		
4	Gann Jan		
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HIGHLAND CITY
PLANNING COMMISSION MEETING
April 25, 2023

ATTENDANCE SHEET

	PLEASE PRINT NAME:	EMAIL	PHONE#
1	Doug Courtney		
2	Jim Hilgop		
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