



# HIGHLAND CITY PLANNING COMMISSION MINUTES

**Tuesday, January 23, 2024**

**Approved April 23, 2024**

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](mailto:planningcommission@highlandcity.org)

## **7:00 PM REGULAR SESSION**

Call to Order – Chair Audrey Moore

Invocation – Commissioner Claude Jones

Pledge of Allegiance – Commissioner Tracy Hill

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:05 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 Claude Jones and those in attendance were led in the Pledge of Allegiance by Commissioner Tracy Hill.

**PRESIDING:** Commissioner Audrey Moore

### **COMMISSIONERS**

**PRESENT:** Tracy Hill, Christopher Howden, Claude Jones, and Trent Thayn

**CITY STAFF PRESENT:** Mayor Kurt Ostler, Assistant City Administrator /Community Development Director Jay Baughman, City Attorney Rob Patterson, City Engineer Andy Spencer, Planning Commission Secretary Heather White

**OTHERS PRESENT:** Daryl Chadwick, Eric Halverson, Todd Trane, Elizabeth Rice, Rick Guyman, Dennis Bromley, see attendance sheet

## **1. UNSCHEDULED PUBLIC APPEARANCES**

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

Resident Daryl Chadwick said he did not understand the regulations regarding curb, gutter, and sidewalk for subdivisions. Some homes had improvements and others didn't. He wondered if developers were required to put in curb, gutter, and sidewalk. He wondered why the city put in his neighbor's improvements, but not everyone else's. Mr. Spencer couldn't speak to what had been done in the past, but said current regulations required developers to put in curb, gutter, and sidewalk. He explained that older county roads had varying cross sections. He was not aware of the circumstances involving Mr. Chadwick's neighbor.

Resident Eric Halverson wondered if curb, gutter, and sidewalk were going to be required in the development on 6400 West. He wondered if it was possible to have a new development install a wall to reduce sound. Mr. Spencer said curb, gutter, and sidewalk would be required. Commissioner Moore explained that it was possible to require a sound wall from developers.

## **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** *General City Management - Jay Baughman, Assistant City Administrator / Community Development Director*  
Planning Commission Meeting – December 19, 2023

*Commissioner Chris Howden MOVED to approve the minutes from the December 19, 2023 Planning Commission Meeting. Commissioner Trent Thayn SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Absent</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

*The motion carried 5:0*

## **3. PUBLIC HEARING: PRELIMINARY PLAT - FOXWOOD ESTATES** *Land Use (Administrative) - Jay Baughman, Assistant City Administrator/Community Development Director*

The Planning Commission will hold a public hearing to consider a request by the developers for preliminary plat approval of a 20-lot subdivision in the R-1-40 Zone located at 10630 North 6400 West. The Planning Commission will take appropriate action.

Mr. Patterson presented information for the preliminary plat application. He said that the applicant would provide a trail connection between Lots 7 and 8. He reviewed the route of the trail. Mr. Patterson explained that a theme wall (or other appropriate buffer) would be installed by the applicant along the trail on the southwest boundary of the subdivision. Theme walls or other fencing was required along 6400 West and along trails. Mr. Patterson explained that the applicant requested a variance to the slope setback. As required by code, the developer provided studies and engineering regarding slopes. Each lot will have a restricted buildable area shown on the plat. Mr. Spencer talked about the slope setback. He said the developer thought the 50-foot requirement was too restrictive. They cited the homes on the other side of the wash that had been there for years. He reviewed the findings of the geotechnical study submitted by the applicant. He said each lot would be surveyed to determine the buildable area. Residents could landscape to the edge of the wash, but structures would be limited. He said it would be clear on the plat where the buildable area would be.

Commissioner Moore wondered how the information would be presented to the homeowner. Mr. Spencer talked about what the homeowner would see on the plat. He said the geotechnical study would be recorded and each lot would be recorded with exact dimensions of buildable area listed.

Commissioner Thayn asked about testing for the geotechnical report. He wondered if they found anything or took test samples. Mr. Spencer explained that they did test holes. He said the developer was aware that the edge of the wash, in various locations, had debris that was dumped there - old concrete, etc. He said the developer had already tried to clean up some of the dead vegetation. Commissioner Moore wondered what kind of trash was in the area. Mr. Spencer explained that the city found old concrete and sidewalk remnants when the sewer line was constructed. He speculated that farmers might have told excavators they could dump it on the farm. He said it was common for old farm properties to have a garbage area. He said staff was confident that the stipulations satisfied any concerns.

Commissioner Howden wondered if fences would be permitted along the wash. He also asked about the permitted trail and fencing materials. Mr. Spencer said structure restrictions would not apply to fences. Mr. Patterson explained that the code required a theme wall, and that the developer would be held to development code standards.

Commissioner Moore wondered who was responsible for the maintenance of the park strip. Mr. Spencer explained that the city only took care of parkway detail with a 29-foot cross section. He explained that the adjacent homeowner would be responsible for maintenance. For example, the homeowner of Lot 7 would be responsible for the park strip maintenance in front of the home as well as the park strip and landscape maintenance behind their lot along 6400 West. He anticipated that the city would care for the trail south of Lots 17-20 as well as the trail between Lots 7 and 8.

Mr. Patterson reviewed the stipulations from the staff report as well as the stipulations listed in the Sensitive Lands Memorandum. Mr. Spencer explained that there was a provision stipulating that residents would take care of the wash and remove fallen trees, etc. but they would not completely strip the area of all vegetation.

By invitation, Todd Trane, representative for Millhaven Homes, addressed the commissioners. He said substantial geotechnical work had been done on the hollow. They were able to get to native material in all the test holes where they would excavate for a home. They had seen the fill on the edges with concrete and building materials and would clean it up. He said they had a standard practice where a Geotech would look at each excavated hole. He thought the setback was enough that they would not have a problem getting to native fill. He said a theme wall was planned along 6400 West and along the south cul-de-sac. A 6-foot park strip with trees was planned on the south in order to give Lots 9-11 more of a buffer. He said they followed the geotechnical recommendations and were as safe as possible. He said they clean up vegetation and debris in the bottom of the channel.

Commissioner Thayn wondered if Millhaven intended to build on each lot. He was concerned that the lots had an extremely long list of restrictions. Mr. Trane said a few builders had asked, but Millhaven was still deciding if they would give one or two lots to a high-end custom builder. He said Millhaven was going to build out the subdivision and be involved until the last home. He acknowledged that there were a lot of restrictions, however, they were not grading anything and would only build on the flat. He said they would stay away from the hollow and would dedicate a conservation easement in the bottom in order to keep it natural, as required by the irrigation company.

Commissioner Thayn wondered if the developer had any problems with any of the stipulations. Mr. Trane said he wished they had submitted the application six months ago. He said every other subdivision in Highland developed without the new regulations. He understood why the city had new regulations but didn't think they applied to this property. He said they were more than willing to do what they were asked because it was the

right thing to do. He said the process had been difficult, but the staff had been great to work with as new regulations were navigated.

Commissioner Moore opened the public hearing at 8:23 PM and asked for public comment.

Resident Elizabeth Rice said she respected Millhaven homes. She reminded the commissioners about homes in St. George that were built too close to a wash and homes in Draper that were built too close to a cliff. She said she trusted Millhaven Homes, but suggested adding a stipulation that Millhaven Homes not sell the lots near the wash to a private builder/contractor and that Millhaven build the homes on lots near the wash.

Resident Eric Halverson wondered if staff did anything to verify or vet the geotechnical engineer. Mr. Spencer explained that the state went through the process to license engineers. He said the city didn't have the ability to define which engineers they like or didn't like. Mr. Halverson thought that most residents preferred to see a fence completely around the property. He thought it made more sense to have a fence bordering the existing homes. He asked the commission to consider not having a grass space between the sidewalk, fence, and houses on the parkway because it might not get taken care of. He mentioned that the lot behind his out was 4 acres and wondered if the property could be later subdivided. Mr. Patterson explained that the property owners could build accessory structures, but additional homes would require a 130 feet of street frontage.

Resident Rick Guyman liked the proposed preliminary plan. He asked about the height of the theme wall and details with the drainage between the subdivisions. Mr. Patterson explained that a 6-foot from finished grade was standard. He said the area between the existing subdivision was a drainage and could possibly be change to concrete. Mr. Guyman mentioned that Deer Hollow Way was sometimes a racetrack and wondered if there were plans for a stop sign. Mr. Patterson said there were no traffic control plans yet. He explained that local roads were typically evaluated once they were finished.

Resident Dennis Bromley asked about the general development outline and agreed with having a fence around the whole development. Mr. Trane hoped to have approval within the next few months. He thought complete buildout would take two or three years. He said they were meeting fencing requirements, but 99% of the time residents would install their own fence. He thought that most of the subdivision would eventually be fenced.

Commissioner Moore asked for additional comments. Hearing none, she closed the public hearing at 8:34 PM and asked for additional discussion.

Commissioner Howden mentioned that the park strips needed to be xeriscaped. He was impartial about changing the 19-foot parkway cross section to 14 feet if the commissioners chose to change it.

*Commissioner Chris Howden MOVED that the Planning Commission accept the findings and approve the preliminary plat for the Foxwood Estates Subdivision subject to the following fourteen (14) stipulations recommended by staff:*

- 1. The final plat shall be in substantial conformance with the preliminary plat received January 11, 2024.*
- 2. All public improvements shall be installed as required by the City Engineer.*
- 3. Final subdivision improvement plans shall meet all requirements as determined by the City Engineer.*
- 4. Sewer slopes must be revised, applicant shall provide more slope on the furthest north streets (to increase velocity where minimum flow is happening), and a flatter slope in the trunk lines. Final sewer slopes to be approved by the City Engineer.*

5. The applicant has indicated to staff they would like to update percolation tests and calculations used to determine the required number of storm drainage inlets and sumps. Revised calculations and placement shall be approved by the City Engineer, otherwise final plans shall substantially conform in number and placement as indicated on the preliminary plans.

6. The low point shown in street grading between lots 14 and 15 shall be eliminated to allow all street grading to overflow blocked inlets without causing localized flooding, otherwise a dedicated surface overflow path shall be provided to the wash.

7. A dedicated overflow corridor is required for any cul-de-sac that drains to the bulb, a surface drainage corridor to the wash is an acceptable mitigation until such time as the trail can be installed to provide a surface overflow path. Applicant shall also verify that the future trail can be graded to allow for this drainage.

8. All drainage runoff not directed to the public street must be contained on each lot without draining to the adjacent lot or property. A note shall be added to the final plat for each lot stating this requirement and detailing any lot specific provisions required to accomplish this objective.

9. Final plat and subdivision improvement plans to conform to stipulations and conditions outlined in staff sensitive lands memorandum.

10. Parcel A shall be dedicated to Highland City.

11. Irrigation piping plans and associated easements shall be approved by Lehi Irrigation Company. Easements for water conveyance within the wash and the piping leading to the wash shall be dedicated to both Lehi Irrigation Company and Highland City.

12. Trees along trail park strip shall be of a variety and shall be spaced according to City forester recommendations and requirements. Trees, rock mulch for xeriscape and a sprinkler system shall be installed along trail corridors that will be owned by the City. Fencing compliant with City ordinance shall be installed along the trail corridor between lot 7 and 8. Fencing along the trail corridor behind lot 8 along 6400 West shall be placed to have 5-foot behind the trail to match the standard City fence ordinance for placement of fences adjacent to sidewalks.

13. A theme-wall fence shall be placed along 6400 West.

14. Final plat and subdivision improvement plans to conform to final review comments and review responses dated Dec 21, 2023/Jan 5, 2024, except as superseded by above stipulations.

Commissioner Claude Jones SECONDED the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Absent
Commissioner Tracy Hill	Yes
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Debra Maughan	Absent
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes

The 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. Future Meetings**

- February 6, City Council, 7:00 pm, City Hall
- February 20, City Council, 7:00 pm, City Hall
- February 27, Planning Commission, 7:00 pm, City Hall

Mr. Baughman mentioned that the council would discuss 4800 West during a work session on January 31.

## **ADJOURNMENT**

*Commissioner Trent Thayn MOVED to adjourn the meeting. Commissioner Chris Howden SECONDED the motion. All were in favor. The motion carried.*

The meeting ended at 8:43 pm.

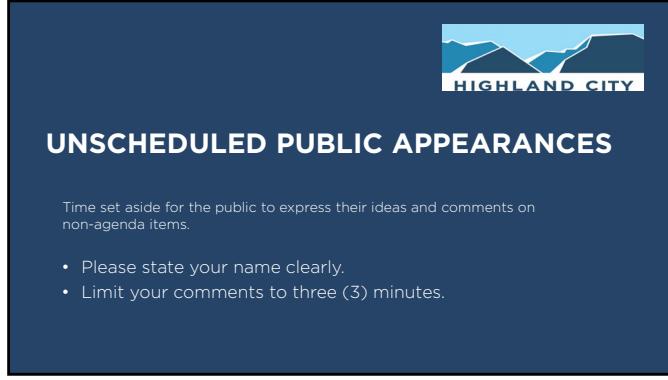
I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 23, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.



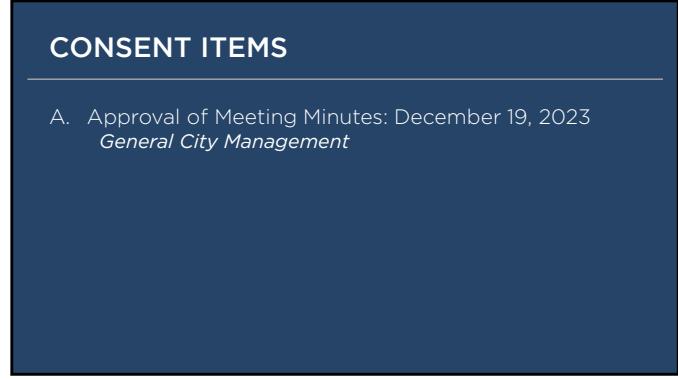
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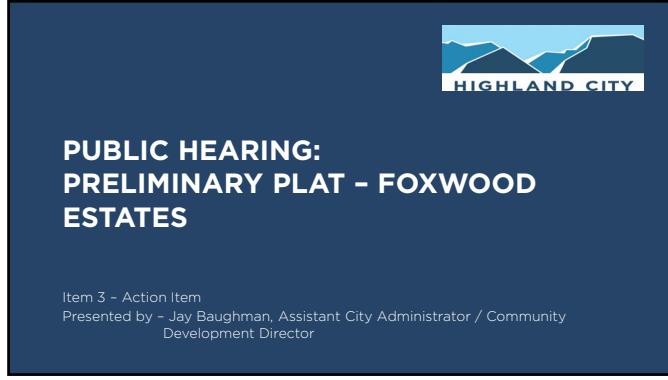
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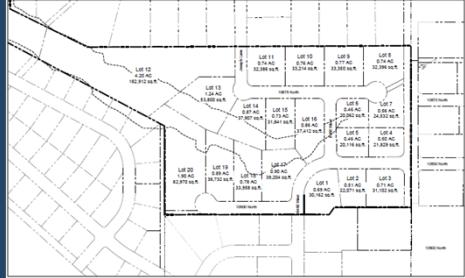


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## Foxwood Estates



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## Foxwood Estates

1. The final plat shall be in substantial conformance with the preliminary plat received January 11, 2024.
2. All public improvements shall be installed as required by the City Engineer.
3. Final subdivision improvement plans shall meet all requirements as determined by the City Engineer.
4. Final sewer slopes to be approved by the City Engineer.

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## Foxwood Estates

5. Final plans shall substantially conform in number and placement as indicated on the preliminary plans.
6. Address possible flooding issues between lots 14 and 15.
7. Cul-de-sac drainage. Applicant shall also verify that the future trail can be graded to allow for this drainage.
8. Address drainage runoff issues.
9. Final plat and subdivision improvement plans to conform staff sensitive lands memorandum.

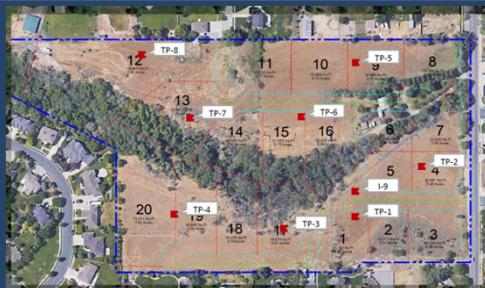
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## Foxwood Estates

10. Parcel A shall be dedicated to Highland City.
11. Irrigation piping plans and easements for Lehi Irrigation Company and Highland City.
12. Landscape and fence requirements.
13. A theme-wall fence shall be placed along 6400 West.
14. Final plat and subdivision improvement plans to conform to final review comments, except as superseded by these stipulations.

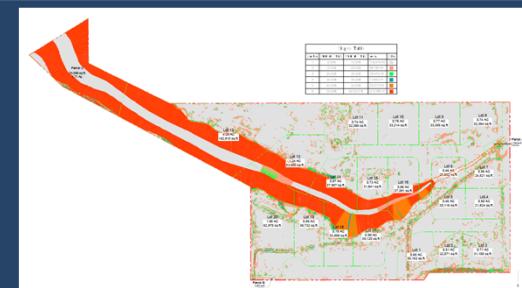
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## Foxwood Estates



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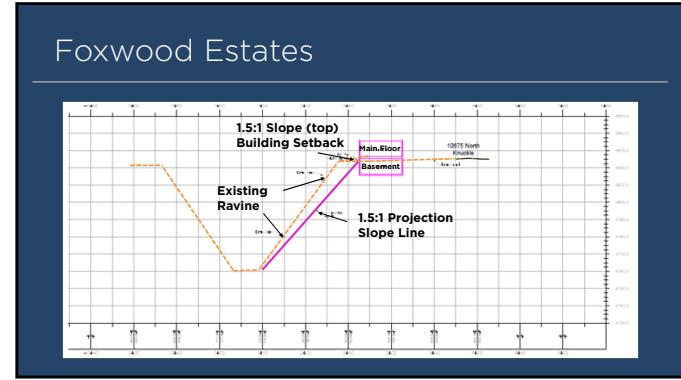
## Foxwood Estates



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