



HIGHLAND CITY

AGENDA

HIGHLAND CITY PLANNING COMMISSION

Tuesday, April 12, 2016, 7:00 p.m.

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

CALL TO ORDER: Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Ron Campbell
- Pledge of Allegiance – Commissioner Brady Brammer

APPEARANCES:

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to three (3) minutes.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. **GP-16-01:** Edge Homes is requesting an amendment the Land Use designation of the General Plan from 'School' to 'Single Family Residential'. Property is located at 9725 North 6800 West. *Legislative **This item has been continued to the February 23rd, 2016 Planning Commission meeting.***
2. **Z-16-01:** Edge Homes has requested a rezoning of property located at 9725 North 6800 West from an R1-40 to an R1-20 zone. *Legislative **This item has been continued to the February 23rd, 2016 Planning Commission meeting.***
3. **PP-16-01:** Request by Perry Homes for a Preliminary Plat approval of 28.862 acres named Beacon Hills The Highlands Plat 'G'. The property is generally located at approximately 12500 North 6100 West. The request for Preliminary Plat will include 56 traditional single family lots. *Administrative*
4. **TA-16-03:** A request by the Highland City Mayor to amend Section 3-2110 and 3-4709 of the Development Code to increase the side yard setback and square footage requirement for accessory buildings. *Administrative*

5. **TA-16-04:** A request by the Highland City Council to amend the Development Code by creating an R-1-30 zoning district. *Administrative*

OTHER BUSINESS:

APPROVAL OF MINUTES:

6. Approval of the January 26, 2016 meeting minutes.
7. Approval of the February 23, 2016 meeting minutes

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *April 26, 2016* at 7:00 pm City Council Chambers

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.

FOR SPECIAL ACCOMMODATIONS

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 7th day of April 2016. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 7th day of April, 2016 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

JoAnn Scott, Planning Coordinator



PLANNING COMMISSION AGENDA REPORT ITEM #1

DATE: April 12, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing – Edge Homes is requesting an amendment the Land Use designation of the General Plan from ‘School’ to ‘Single Family Residential’. Property is located at 9725 North 6800 West (GP-16-01).
Legislative

STAFF RECOMMENDATION:

The Planning Commission should a public hearing debate the request, draft findings, and provide a recommendation to the City Council. The Planning Commission may also want to further discuss the impact and unintended consequences of using the R-120 District.

PRIOR REVIEW:

The Planning Commission held a public hearing on February 23, 2016 and voted to continue the request to the next available Commission meeting.

BACKGROUND:

The property is 19.58 acres and is owned by Alpine School District. The property is zoned R-1-40 Single Family Residential. The property was originally planned for a school. However, the site is no longer needed.

The General Plan land use designation for the property is “School.” A request to change the land use designation to Low Density Residential is being considered as separate agenda item.

A General Plan amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting an amendment to the General Plan Future Land Use Map from School to Low Density Residential. Low Density Residential designation encourages low density, large lot development patterns and densities.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on February 9, 2016. A summary of the meeting is attached.

Notice of the February 23, 2016 Planning Commission meeting was published in the Daily Herald on January 10, 2016. No comments have been received.

Notice of the Planning Commission public hearing was published in the April 217, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on March 16, 2016. No comments have been received.

ANALYSIS:

- Since the site is no longer needed for a school, the amendment is needed to allow the property to be developed.
- The Low Density Residential designation implements the current zoning.

RECCOMENDATION AND PROPOSED MOTION:

The Planning Commission should a public hearing debate the request, draft findings, and provide a recommendation to the City Council. The Planning Commission may also want to further discuss the impact and unintended consequences of using the R-120 District.

FINDINGS:

The proposed amendment meets the following findings:

- It is in conformance with the General Plan and is needed to update the General Plan.

RECOMMENDATION:

I move that the Planning Commission accept the findings and recommend APPROVAL of the General Plan amendment as recommended by staff (or with amendments).

FISCAL IMPACT:

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

ATTACHMENTS:

1. Ordinance
2. Land Use Map

ORDINANCE NO. 2016-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE GENERAL PLAN FUTURE LAND USE MAP AMENDING THE LAND USE DESIGNATION FOR APPROXIMATELY 19.58 ACRES LOCATED at 9725 North 6800 West FROM SCHOOL TO LOW DENSITY RESIDENTIAL.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held public hearing on this Ordinance on February 23, 2106 and April 12, 2016; and

WHEREAS, the City Council held a public meeting on this Ordinance on April 19, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That the Highland City General Plan Future Land Use Map is hereby amended as shown on "Exhibit A", attached and incorporated herein by reference.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, April 19, 2016.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

Jody Bates, City Recorder

COUNCILMEMBER	YES	NO
---------------	-----	----

Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
-------------------	--------------------------	--------------------------

Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
-----------	--------------------------	--------------------------

Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
-----------	--------------------------	--------------------------

Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
----------------	--------------------------	--------------------------

Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>
----------	--------------------------	--------------------------



PLANNING COMMISSION AGENDA REPORT ITEM #2

DATE: April 12, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing - Edge Homes is requesting has requested a rezoning 19.58 acres of property located at 9725 North 6800 West from an R1-40 to an R1-20 zone (Z-16-01). Legislative.

STAFF RECOMMENDATION:

The Planning Commission should a public hearing debate the request, draft findings, and provide a recommendation to the City Council. The Planning Commission may also want to further discuss the impact and unintended consequences of using the R-120 District.

PRIOR REVIEW:

The Planning Commission held a public hearing on February 23, 2016 and voted to continue the request to the next available Commission meeting.

Subsequent to the Planning Commission hearing, the applicant has revised the concept plan. The concept plan eliminates the 2.93 acre lot and creates acre lots along the south boundary. The number of lots did not change.

BACKGROUND:

The property is 19.58 acres and is owned by Alpine School District. The property is zoned R-1-40 Single Family Residential. The property was originally planned for a school. However, the site is no longer needed.

The General Plan land use designation for the property is "School." A request to change the land use designation to Low Density Residential is being considered as separate agenda item.

A General Plan amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to rezone the property from R-1-40 Single Family Residential to R-1-20 Single Family Residential.

2. The maximum density permitted in the R-1-20 District is 2.17. The minimum lot size for the R-1-20 District is 20,000 square feet. The minimum lot frontage is 115 feet except for lots on a cul-de-sac.
3. The maximum density in the R-1-40 District 1.08 units per acre. Twenty-five percent of the lots can be between 20,000-30,000 square feet. All remaining lots are required to exceed 30,000 square feet. The minimum lot width is 130 feet. There are no exceptions for lots on a cul-de-sac.
4. The applicant has prepared a concept plan. The plan shows 28 lots. The density is 1.43 units per acre. The minimum lot size is 20,000 square feet.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on February 9, 2016. A summary of the meeting is attached.

Notice of the February 23, 2016 Planning Commission meeting was published in the Daily Herald on January 10, 2016. No comments have been received.

Notice of the Planning Commission public hearing was published in the April 217, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on March 16, 2016. Two letters have been received.

ANALYSIS:

General Plan

- Since 1977 Highland has been a large lot rural residential community. This was reinforced in the 2008 update of the General Plan. As part of the update the community expressed strong support of low density large lot development. The intent is to have large lots with wide lots and large front and side yard setbacks.
- The first goal in the land use element of the General Plan is:

Goal: To maintain the established pattern of development in Highland City

Policy: Continue to allow low-density residential development that respects existing land use patterns

Implementation: Follow established land use patterns

R-1-40 (Single Family Residential) District

- The R-1-40 District is a density based district and not a lot size district. The number of lots permitted on property is determined by dividing the number of acres by 40,000 square feet. In other words one lot is allowed for every 40,000 square feet of land area. Subdivisions are allowed to have up to 25% of the lots between 20,000 to 30,000 square feet. All other lots are required to be greater than 30,000 square

feet. As a result, there are lots in the R-1-40 District that vary from 20,000 square feet to over an acre.

- In addition, past City Councils have approved open space subdivisions. Generally, the minimum lot size is 14,000 square feet with a minimum average of 16,000 square feet for the subdivision. Thirty percent of the land area is required to be open space and densities do not exceed 1.4 units per acre. Based on a preliminary analysis done in 2013 the average density of all open space subdivisions are 1.6 units per acre. Further study would be needed to confirm these numbers.
- Because of the varying lot sizes, there is a misconception that the density in Highland is higher than what it actually is. Staff believes that justification is needed to exceed densities above the R-1-40 District.

Zoning and the R-1-20 (Single Family Residential) District

- The objective of the R-1-20 District is outlined in Section 3-4201 and summarized as follows:
 - Support medium low density residential environment within the City.
 - Create transitional areas between higher density zones in adjacent cities and development in Highland.
 - Establish transition between higher densities in Highland and lower densities where practical.
 - Better manage land use on properties not suited to lower density zones.
 - Create areas for people who do not want large animals or large lots.
- The R-1-20 District has not been used extensively within Highland. The primary areas it has been used is the south side of 9600 North, the Alpine Country Club and other non-conforming areas. Non-conforming areas are lots that do not meet the minimum lot size. Many of these lots were approved in the County prior to incorporation of the City.

R-1-40 vs. R-1-20 Comparison

- The maximum density in the R-1-40 District, excluding overlay districts, is one unit per 40,000 square feet. The maximum number of lots currently permitted is 21 lots or 1.26 units per acre. The maximum density in the R-1-20 District is one unit per 20,000 square feet. A maximum of 42 lots or 2.14 units per acre would be permitted by the R-1-20 District. The concept plan shows 28 lots.
- Lots with a minimum square footage of 30,000 square feet are allowed to have up to three large animals. One additional large animal is allowed for every 10,000 square feet above 30,000 square feet. With a minimum square footage of 20,000 square feet animals are typically not permitted in the R-1-20 District. One of the common complaints that we receive is from residents that are adjacent to lots with large animals.

Surrounding Land Uses:

- The property to the north is in Lehi and has been developed as single family homes. The property to the west is vacant and is in Lehi. The property to the east is zoned R-1-40 and is developed as large lot single family residential. The property to the south is zoned R-1-40. The property is large lot single family and a church.

Infrastructure Impact

- Staff has completed two analyses regarding the impact on infrastructure using the R-1-20 District. The following is a summary of the analysis:
 - Staff estimates that there would be an additional 1,112 lots in the City if the vacant land was developed as R-1-20 rather than R-1-40.
 - Storm drain as handled by each developer wouldn't be a problem. However, the increase to impervious areas would be more Sumps/Detention facilities for the City to maintain.
 - Limited impact on the culinary water system, the system is robust with looping to take more development.
 - There would be limited impact on the pressurized irrigation as the demand would likely decrease with less irrigated acreage overall.
 - Additional upgrades to the sewer lines and capacity may be required sooner in the northwest portion of the City than originally planned. In other areas of the City there likely wouldn't be a large impact as development is spread out into different basins that ultimately fall to the TSSD Trunk Lines.

Conclusion

- Since 1977 Highland has been a large lot residential community based on a density of one unit per 40,000 square feet. Using the R-1-20 District will result in a fundamental shift in policy and should be thoroughly discussed.
- The definition of "large lots" is unique to each community. There are communities where 8,000 square foot lots are considered large and there are communities where one acre lots are considered small.
- Over the last month staff has been working on a community survey. There were two questions related to this issue. Preliminary results are as follows:
 - Large lots were the second most popular reason for living in Highland (52%)
 - Only 7% supported changes to allow smaller lots

The survey did not define large lot. However, given the historic development of Highland reasonable conclusions can be made.

- Approval of the R-1-20 District will result in additional requests for R-1-20 throughout the City. Since approval of Highland Oaks we have had two formal applications and numerous informal inquiries.

- The R-1-20 District was not intended to be an “everyday district. It was only intended to apply to areas as outlined above.
- At the February 16, 2016 meeting the City Council directed staff to begin to prepare an R-1-30 District.
- The R-1-20 District provides for a minimum lot size of 20,000 square feet. However, R-1-20 District has been restricted to limited areas in the City. Further, the R-1-20 District was not intended to apply to new large developments or newly annexed areas. The decision to allow R-1-20 in this instance should be deliberated carefully as there may be unintended consequences in the future. Rezoning is a legislative process. The decision should be based on the following:
 - 1) Is the R-1-20 District consistent with the goals and objectives of the General Plan?
 - 2) Is the proposed zoning in the best short and long term interest of the City?
 - 3) Is there an alternative district that should be considered?
 - 4) Is the R-1-20 District the appropriate district or should the site have a different district?
 - 5) What impact will there be on future development if R-1-20 is approved at this location?
- If the proposed R-1-30 District is used the maximum number of lots would be 28. However, the project would need to be revised to meet the limitation of 25% of the lots between 20,000 and 25,000 square feet.

RECCOMENDATION AND PROPOSED MOTION:

The Planning Commission should a public hearing debate the request, draft findings, and provide a recommendation to the City Council. The Planning Commission may also want to further discuss the impact and unintended consequences of using the R-120 District.

FINDINGS:

With the proposed stipulations, the preliminary plat meets the following findings:

- It is in conformance with the General Plan, the Highland City Development Code and the approved Development Agreement.

RECOMMENDATION:

The Planning Commission should hold a public hearing and recommend approval of the preliminary plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat dated

July 20, 2015.

2. Final civil engineering plans to be reviewed and approved by the City Engineer.
3. Written approval from the Metropolitan Water District of Salt Lake and Sandy shall be provided prior to approval of the final plat.
4. All required public improvements shall be installed as per City Engineer's approval.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Proposed Rezoning
2. Neighborhood Meeting Summary and Attendance List
3. Zoning Map
4. Letters from Cole Peck and Craig Clyde
5. Revised Concept Plan



PLANNING COMMISSION AGENDA REPORT ITEM #3

DATE: April 12, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing – A request by Perry Homes for Preliminary Plat approval for a 56 lot single family residential subdivision known as Beacon Hills Plat G located at 5960 West 12500 North(PP-16-01).

STAFF RECOMMENDATION:

The Planning Commission should a public hearing and approve the preliminary plat subject to the stipulations identified in the staff report.

BACKGROUND:

A Development Agreement for the Beacon Hills Development was approved in August of 2003. This agreement outlines the City and Developer obligations as it relates to the development of the project. Included is the number of lots, density, open space, etc. Beacon Hills was approved under the Open Space Subdivision option.

A preliminary plat for entire Beacon Hills development was approved in XXXX. The approve for Plat G has since expired.

Preliminary plat review is an administrative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting preliminary plat approval for a 56 lot single family subdivision. The property is approximately 28.86 acres. Lot sizes range from 14,005 square feet to 25,992 square feet.
2. Access to the property will be from Angels Gate which is a local road. Additional stubs are provided to the north and south.

CITIZEN PARTICIPATION:

Notice of the March 31, 2016 Development Review Committee was sent on March 15, 2016. Two letters of opposition were received. In addition, comments from the Metropolitan Water District of Salt Lake and Sandy were also received.

Notice of the Planning Commission public hearing was published in the April 21, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on March 16, 2016. No additional comments have been received.

ANALYSIS:

- The property is designated as Low-Density Residential on the General Plan Land Use Map.
- The development has been previously approved and is permitted as outlined in the Development Agreement.
- The property to the north and east is zoned R-1-40 and is part of the Beacon Hills Development. The property to the west and south is in Utah County and is vacant. The proposed project is compatible with the surrounding uses.
- Utilities will be extended to serve the development from Angels Gate. The existing infrastructure has been sized to meet the requirements of this subdivision.
- The original preliminary plat had a twenty foot tract for a public trail. Based on the updated Trail Master Plan, this trail has been removed and the area incorporated into the adjacent lots.
- Metropolitan Water District of Salt Lake and Sandy has provided a number of comments. The applicant is working with the District to address their issues. A stipulation has been included that requires the Districts approval prior to final plat approval.

FINDINGS:

With the proposed stipulations, the preliminary plat meets the following findings:

- It is in conformance with the General Plan, the Highland City Development Code and the approved Development Agreement.

RECOMMENDATION:

The Planning Commission should hold a public hearing and recommend approval of the preliminary plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat dated July 20, 2015.
2. Final civil engineering plans to be reviewed and approved by the City Engineer.

3. Written approval from the Metropolitan Water District of Salt Lake and Sandy shall be provided prior to approval of the final plat.
4. All required public improvements shall be installed as per City Engineer's approval.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Proposed Preliminary Plat and Landscape Plans
2. Previously Approved Preliminary Plat
3. Letters from Jeff Conely and Sean Anderson
4. Letter from the Metropolitan Water District of Salt Lake and Sandy

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS EAST 68.87 FEET AND SOUTH 2569.76 FEET FROM THE NORTH QUARTER CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 46°16'27" WEST 109.94 FEET; THENCE SOUTH 89°21'29" WEST 1537.61 FEET; THENCE NORTH 6°53'00" WEST 511.05 FEET; THENCE NORTH 46°52'00" EAST 796.00 FEET; THENCE NORTH 12°46'00" WEST 5.80 FEET; THENCE NORTH 69°51'09" EAST 23.22 FEET; THENCE NORTH 87°32'35" EAST 489.02 FEET; THENCE SOUTH 12°46'00" EAST 135.41 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC OF A 528.00 FOOT RADIUS CURVE TO THE LEFT 176.45 FEET THROUGH A CENTRAL ANGLE OF ANGLE OF 19°08'49", THE CHORD OF WHICH BEARS SOUTH 22°20'25" EAST 175.63 FEET; THENCE SOUTH 31°54'49" EAST 564.79 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC OF A 728.00 RADIUS CURVE TO THE LEFT 183.77 FEET THROUGH A CENTRAL ANGLE OF 14°27'49", THE CHORD OF WHICH BEARS SOUTH 39°08'44" EAST 183.29 FEET; THENCE SOUTH 46°22'38" EAST 73.09 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC OF 272.00 FOOT RADIUS CURVE TO THE RIGHT 36.01 FEET THROUGH A CENTRAL ANGLE OF 7°35'04", THE CHORD OF WHICH BEARS SOUTH 42°35'06" EAST 35.98 FEET TO THE POINT OF BEGINNING.

AREA = 28.86 ACRES 56 LOTS

BEACON HILL THE HIGHLANDS

PLAT G

LOCATED: 5960 WEST 12500 NORTH, HIGHLAND, UTAH

MARCH 8, 2016

BEACON HILL PLAT "H" ZONE: R-1-40

PUBLIC TRAIL EASEMENT & BONNEVILLE SHORELINE TRAIL

50' WATER TANK ACCESS EASEMENT TO BE ACCESSIBLE BY MAINTENANCE VEHICLES.

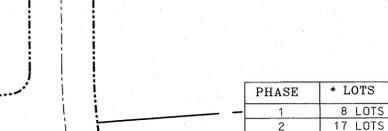
50' WIDE HIGHLAND WATER TRANSMISSION LINE EASEMENT

NORTHWEST CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN

NORTH QUARTER CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN

BASIS OF BEARING: (SECTION LINE) N69°48'33"W 2651.58'

VICINITY MAP

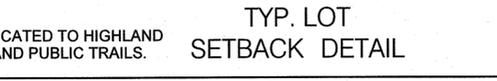
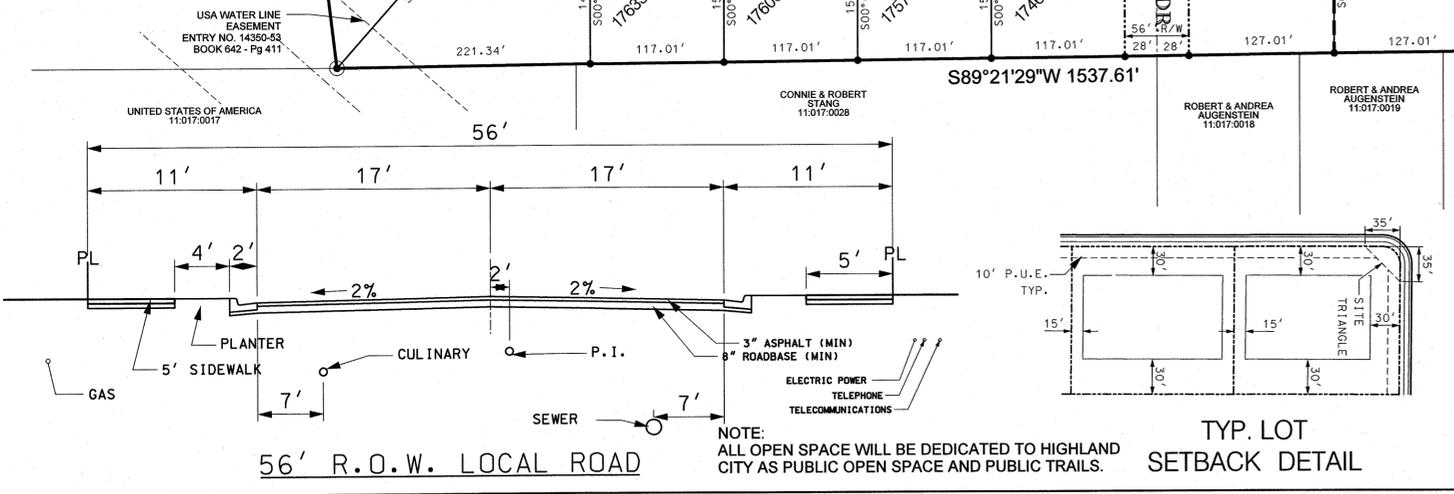


PHASE * LOTS table with 4 phases and 56 total lots.

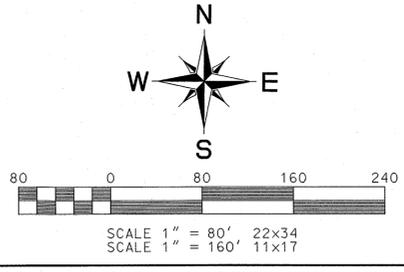
FRONTAGE TABLE with columns for LOT, FRONTAGE, and 56 rows of data.

CURVE TABLE with columns for CURVE, DELTA, RADIUS, LENGTH, CHORD, BEARING, and 82 rows of data.

TABULATIONS table with columns for TOTAL ACREAGE, NUMBER OF LOTS, TOTAL BUILDABLE AREA, and ZONE.



ENGINEER: M.W. BROWN ENGINEERING 578 EAST 770 NORTH OREM, UTAH 84097
DEVELOPER: PERRY HOMES 17 EAST WINCHESTER ST. SUITE 200 SLC, UT. 84107



MW BROWN ENGINEERING, INC logo and contact information.

Professional Land Surveyor seal for Barry Anderson.

REVISIONS table with columns for No., Date, By, and Description.

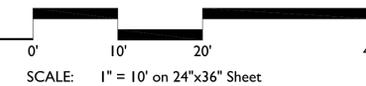
Project title block: BEACON HILL PLAT G, HIGHLAND, UTAH, PRELIMINARY PLAT, PROJECT NO. 2016.004, SHEET NO. 1.



LANDSCAPE PLAN



ATTENTION: PRIOR TO PERFORMING ANY WORK ON THIS PLAN CONTRACTOR SHALL IDENTIFY THROUGH BLUESTAKES AND ON-SITE OBSERVATION ANY AND ALL UTILITIES AND HAZARDS OR CONDITIONS THAT MAY PREVENT WORK FROM BEING PERFORMED ACCORDING TO THESE PLANS ABOVE OR BELOW GROUND. IF CONDITIONS ARE FOUND THAT MAY PREVENT WORK FROM BEING PERFORMED AS PER PLAN, CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT PRIOR TO PROCEEDING. ANY DAMAGE TO UTILITIES SHALL BE THE CONTRACTORS SOLE RESPONSIBILITY (I.E. ELECTRICAL, GAS, WATER, SEWER, ETC.).



CITY SUBMITTAL

L100

BEACON HILL PLAT 'G'

LEHI, UTAH

northland
DESIGN GROUP
Landscape Architecture + Land Planning
2330 N. University Pkwy., Bldg. 9C - Provo, UT 84604
801.763.0179 office 801.763.0180 fax www.northland-design.com



REVISIONS: DATE BY DRAWN BY REVIEWED BY PROJECT NO. 031116 DATE: 11/19/2016

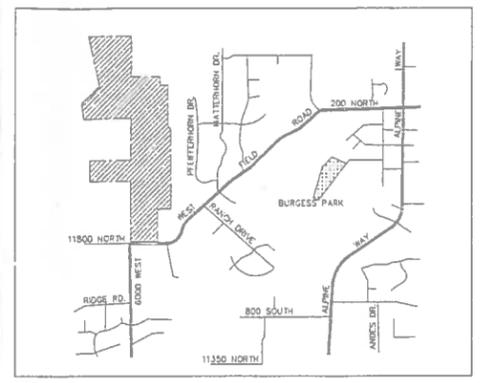
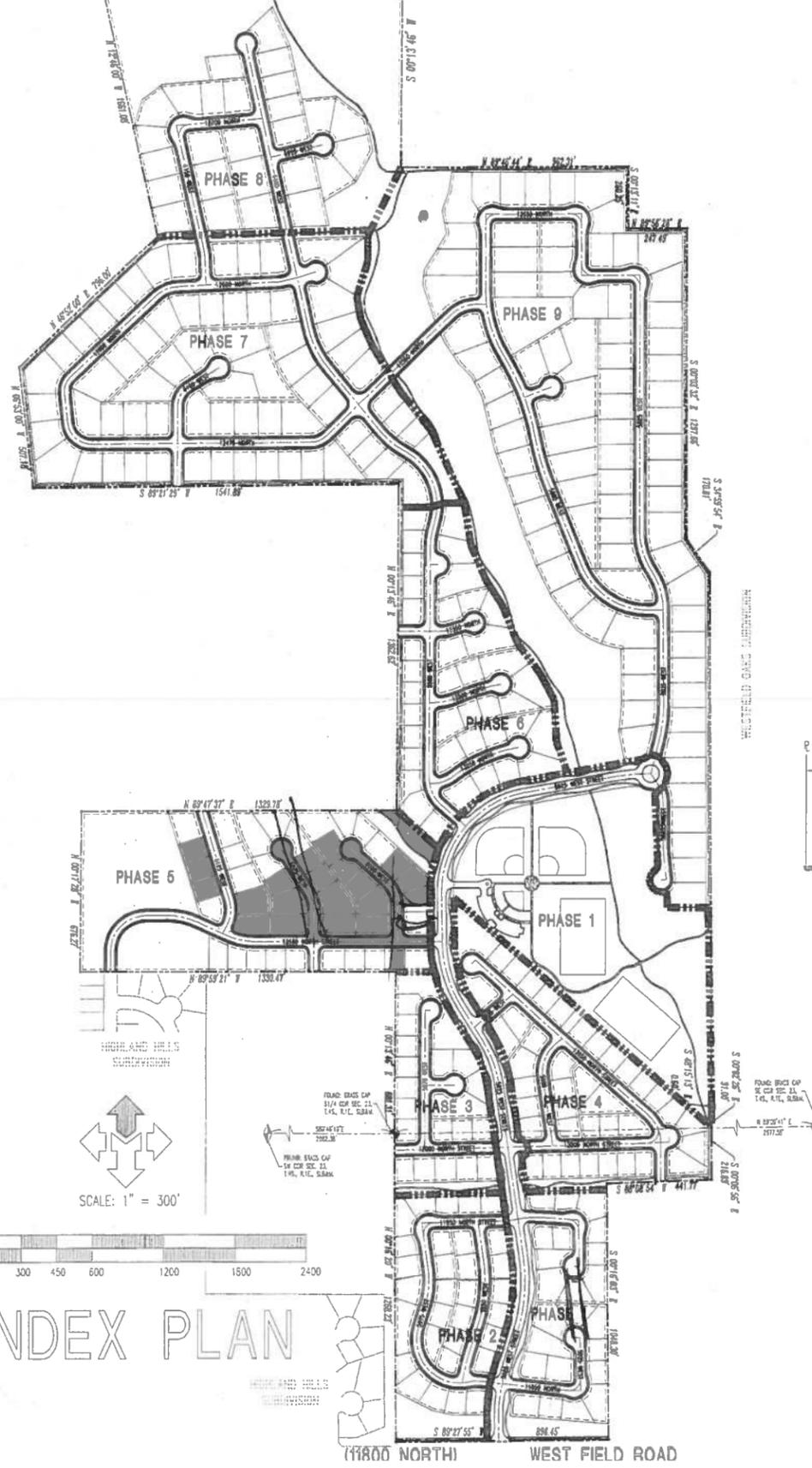
McNEIL ENGINEERING & LAND SURVEYING, L.C. McNEIL CONSULTING ENGINEERING, L.C. McNEIL ENGINEERING STRUCTURAL

BEACON HILL THE HIGHLANDS

APPROX. ADDRESS: 5900 WEST WESTFIELD ROAD (11800 NORTH)
 LOCATED IN SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SLB&M

56

PRELIMINARY PLAT PLANS



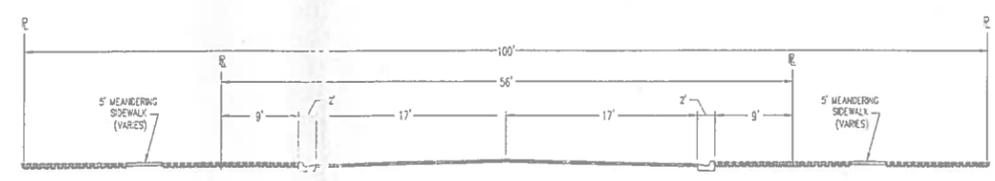
CIVIL INDEX

- | | |
|-----|-------------------------|
| KEY | INDEX PLAN |
| SD1 | KEY PLAN |
| PR1 | MASTER STORM DRAIN PLAN |
| DT1 | MASTER UTILITY PLAN |
| | DETAIL SHEETS |

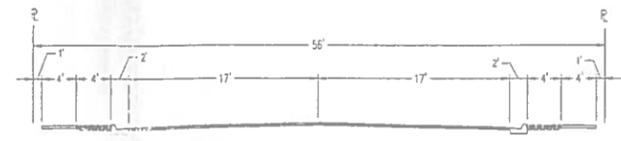
AREA TABULATIONS	
TOTAL AREA IN PROJECT	= 245.885 ACRES = 100%
OPEN SPACE IN PROJECT	= 88.331 ACRES = 35%
TOTAL NUMBER OF LOTS	= 369
OVERALL RESIDENTIAL DENSITY	= 1.5 UNITS PER ACRE

LOT SIZES	
PHASE 1	AVERAGE = 8,812 sq.ft. MINIMUM = 6,397 sq.ft.
PHASE 2	AVERAGE = 9,618 sq.ft. MINIMUM = 8,210 sq.ft.
PHASE 3	AVERAGE = 10,184 sq.ft. MINIMUM = 8,576 sq.ft.
PHASE 4	AVERAGE = 10,990 sq.ft. MINIMUM = 8,000 sq.ft.
PHASE 5	AVERAGE = 11,258 sq.ft. MINIMUM = 8,013 sq.ft.
PHASE 6	AVERAGE = 12,224 sq.ft. MINIMUM = 8,017 sq.ft.
PHASE 7	AVERAGE = 17,080 sq.ft. MINIMUM = 10,329 sq.ft.
PHASE 8	AVERAGE = 18,746 sq.ft. MINIMUM = 14,286 sq.ft.
PHASE 9	AVERAGE = 18,879 sq.ft. MINIMUM = 15,000 sq.ft.

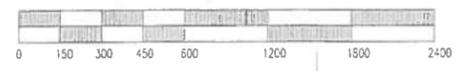
PROPOSED SETBACKS PHASE 1	
FRONT SETBACKS	= 20.0'
REAR SETBACKS	= 15.0'
SIDE SETBACKS	= THE TOTAL WIDTH OF THE TWO SIDE YARDS FOR ANY ONE LOT SHALL BE (20) FEET BUT IN NO CASE LESS THAN (10) FEET ON ONE SIDE.



PROPOSED SETBACKS PHASE 2-9	
FRONT SETBACKS	= 25.0'
REAR SETBACKS	= 10.0'
SIDE SETBACKS	= THE TOTAL WIDTH OF THE TWO SIDE YARDS FOR ANY ONE LOT SHALL BE (20) FEET BUT IN NO CASE LESS THAN (10) FEET ON ONE SIDE.



PROPOSED PUBLIC UTILITY EASEMENTS	
FRONT AND REAR EASEMENTS	= 10'
SIDE EASEMENTS	= 5' EVERY OTHER LOT



INDEX PLAN



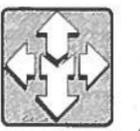
DESIGNER:
 McNEIL ENGINEERING AND LAND SURVEYING, L.C.
 PROJECT MANAGER: DALE K. BENNETT, P.E. & L.S.
 PROJECT ENGINEER: BENSON J. WHITNEY, E.I.T.

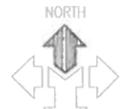
OWNER/DEVELOPER
 FOX RIDGE PLANNED COMMUNITIES, L.L.C.
 1520 WEST 3600 NORTH LEHI, UT 84043
 CONTACT: TYSON THORPE

APPROVAL

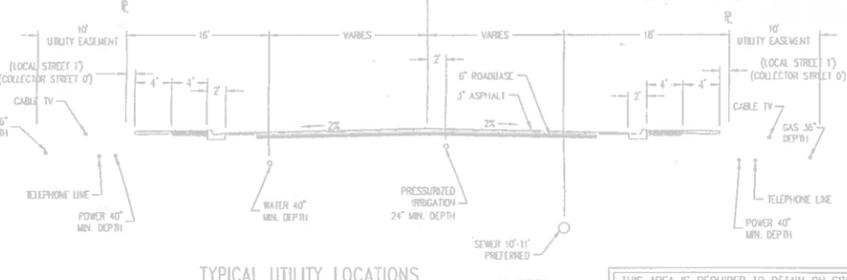
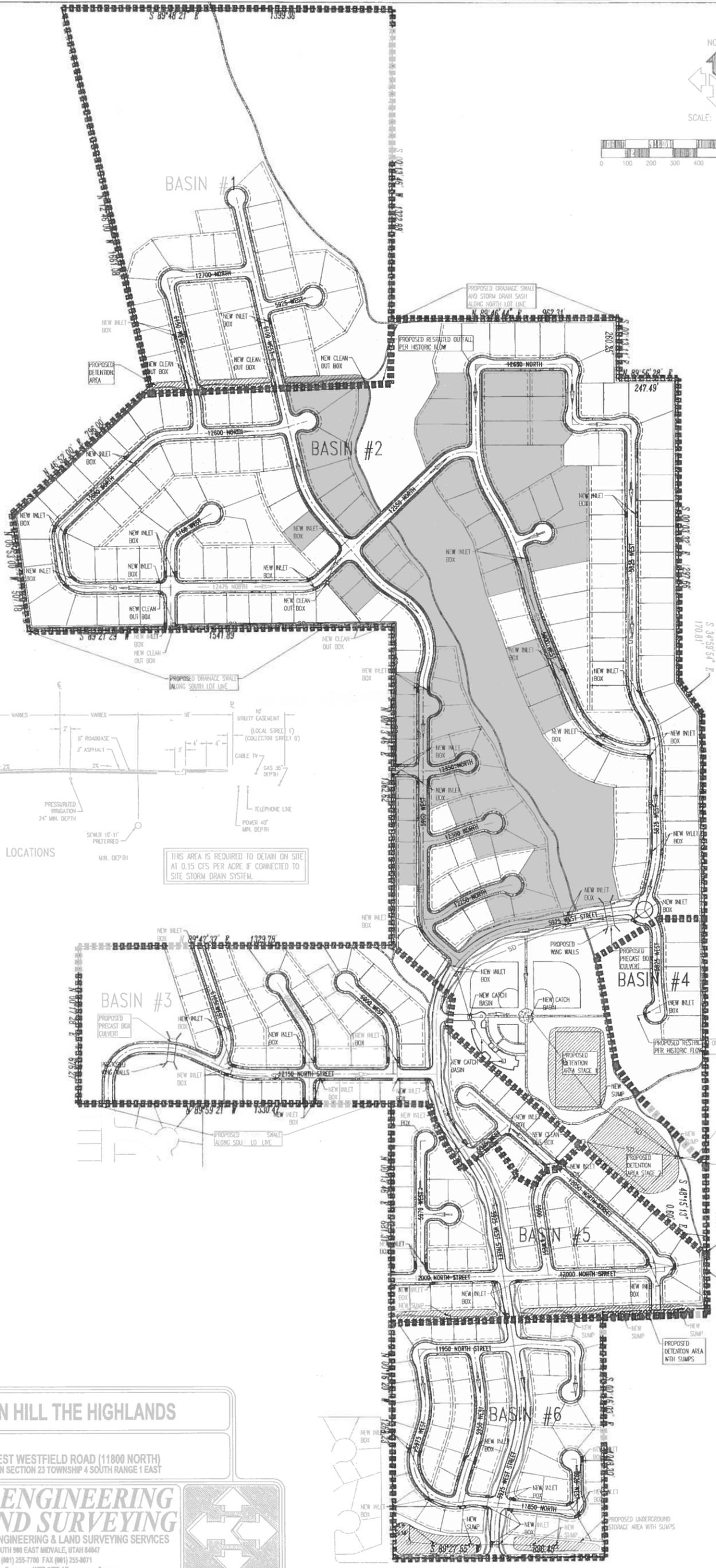
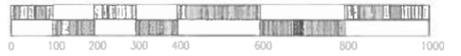
DATE _____ HIGHLAND CITY ENGINEER

McNEIL ENGINEERING AND LAND SURVEYING
 PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
 8885 SOUTH 900 EAST MIDVALE, UTAH 84047
 TEL: (801) 255-7700 FAX: (801) 255-8071
 E-MAIL: info@mcneileng.com WEB: www.mcneileng.com





SCALE: 1" = 200'



THIS AREA IS REQUIRED TO DETAIN ON SITE AT 0.15 CFS PER ACRE IF CONNECTED TO SITE STORM DRAIN SYSTEM.

- LEGEND**
- PROPOSED DETENTION BASIN
 - PROPERTY LINE
 - WATERSHED BASIN BOUNDARY
 - STORM DRAIN LINE
 - NEW INLET BOX
 - NEW CATCH BASIN/SUMP
 - DIRECTION OF DRAINAGE

REV.	DATE	DESCRIPTION



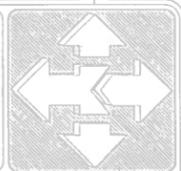
PROJECT NO: 210660
 CAD FILE: 210660MSD.DWG
 DRAWN BY: SSB/
 SURVEYED BY: SURVEYED
 CHECKED BY: CHECKED
 DATE: 12/05/01

SHEET TITLE:
MASTER STORM DRAIN PLAN
SD1.1
 SHEET: 1 OF 1

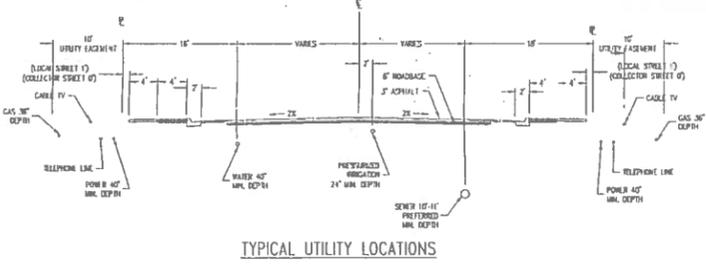
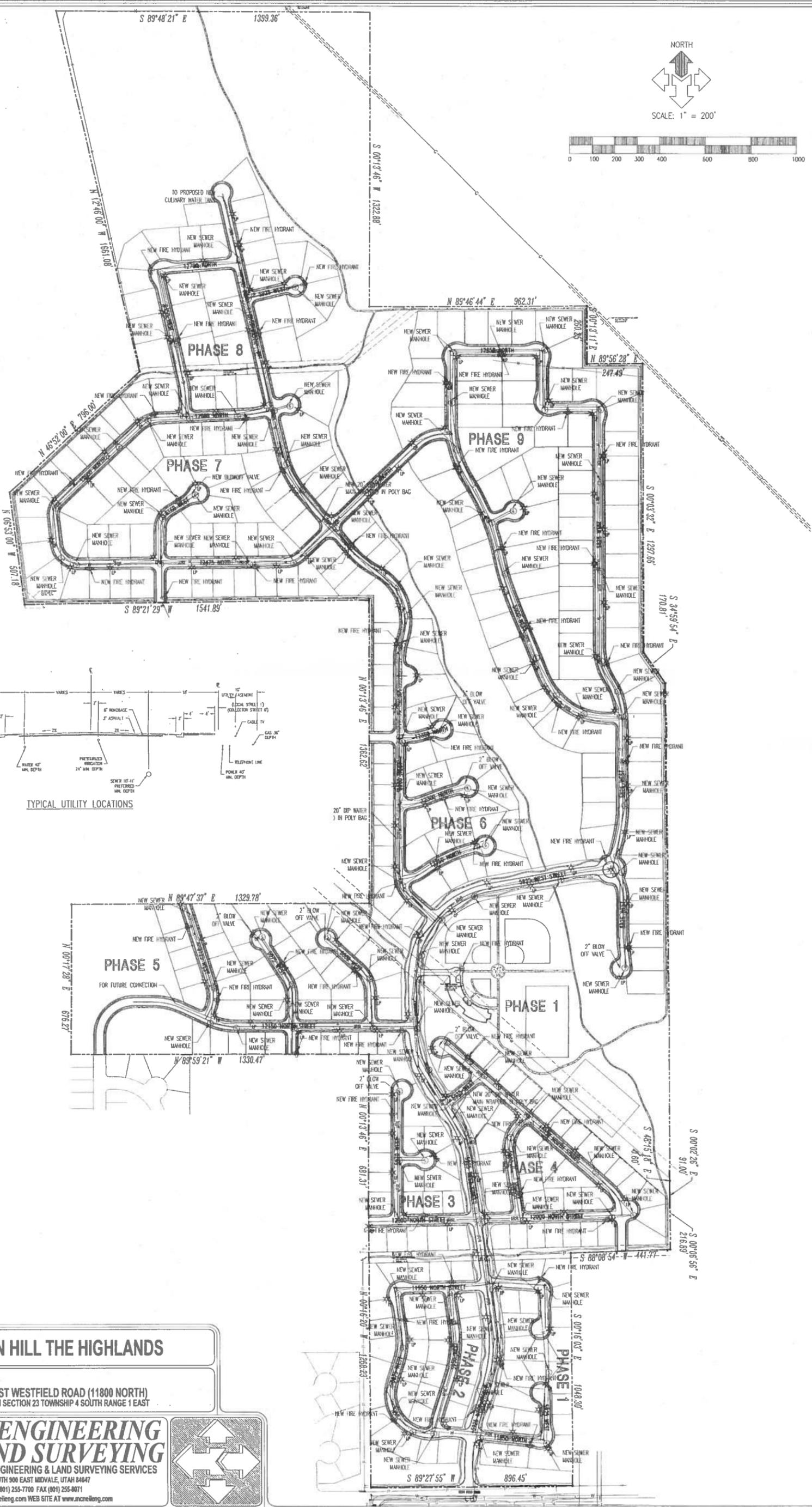
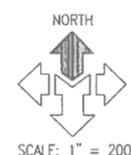
BEACON HILL THE HIGHLANDS

5900 WEST WESTFIELD ROAD (11800 NORTH)
 LOCATED IN SECTION 23 TOWNSHIP 4 SOUTH RANGE 1 EAST

McNEIL ENGINEERING AND LAND SURVEYING
 PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
 6885 SOUTH 980 EAST MIDVALE, UTAH 84047
 TEL. (801) 255-7700 FAX (801) 255-9071
 E-MAIL info@mcneileng.com WEB SITE AT www.mcneileng.com



- LEGEND**
- PROPERTY LINE
 - P- POWER LINE
 - T- TELEPHONE LINE
 - X- EXIST. FENCE
 - W- WATER LINE
 - FW- NEW FIRE WATER LINE
 - W- NEW WATER LINE
 - S- NEW SANITARY SEWER LINE
 - S- SEWER LINE
 - SD- STORM DRAIN LINE
 - G- GAS LINE
 - ⊙ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊕ WATER METER
 - ⊕ UTILITY POLE
 - ⊕ SEWER MANHOLE
 - ⊕ SANITARY SEWER MANHOLE
 - ⊕ FIRE HYDRANT
 - ⊕ WATER LINE VALVE
 - ⊕ NEW LIGHT POLE



REVISIONS

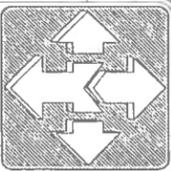
REV.	DATE	DESCRIPTION



BEACON HILL THE HIGHLANDS

5900 WEST WESTFIELD ROAD (11800 NORTH)
 LOCATED IN SECTION 23 TOWNSHIP 4 SOUTH RANGE 1 EAST

McNEIL ENGINEERING AND LAND SURVEYING
 PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
 8895 SOUTH 900 EAST MIDVALE, UTAH 84047
 TEL. (801) 255-7700 FAX (801) 255-8071
 E-MAIL info@mcneileng.com WEB SITE AT www.mcneileng.com

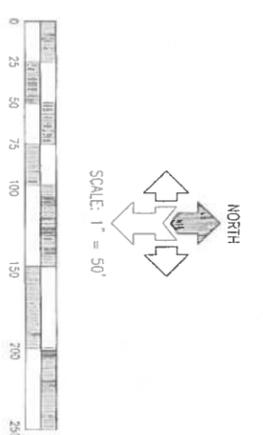
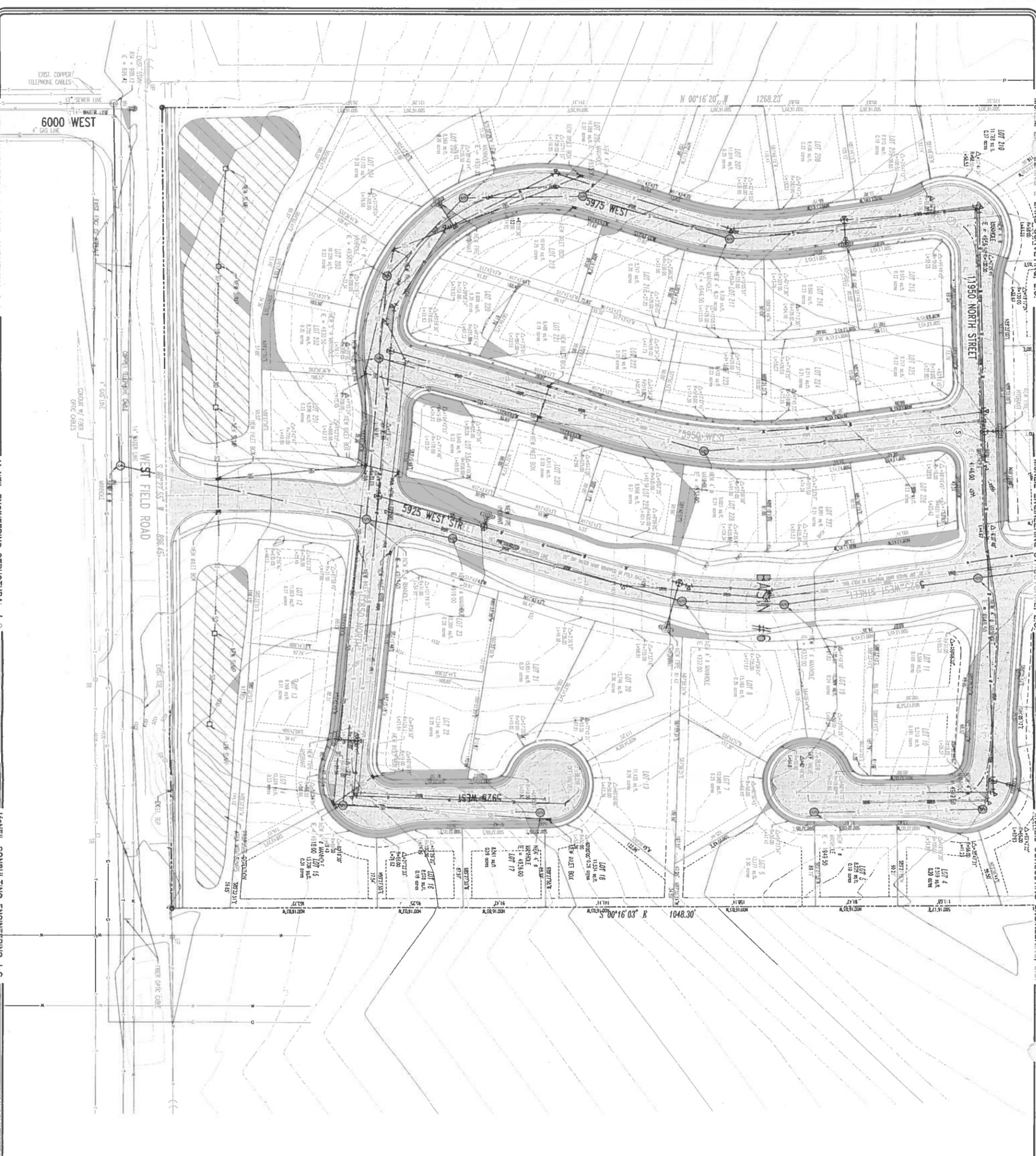


SHEET TITLE:
UTILITY PLAN

PR.1.1

SHEET: 1 OF 9

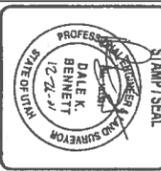
McNEIL ENGINEERING & LAND SURVEYING, L.C.
 McNEIL ENGINEERING STRUCTURAL, L.C.
 McNEIL CONSULTING ENGINEERING, L.C.
 McNEIL ENGINEERING STRUCTURAL, L.C.



McNEIL ENGINEERING AND LAND SURVEYING, L.C.
 McNEIL ENGINEERING STRUCTURAL, L.C.
 McNEIL CONSULTING ENGINEERING, L.C.
 McNEIL ENGINEERING STRUCTURAL

BEACON HILL THE HIGHLANDS

5900 WEST WESTFIELD ROAD (11800 NORTH)
 LOCATED IN SECTION 23 TOWNSHIP 4 SOUTH RANGE 1 EAST



McNEIL ENGINEERING AND LAND SURVEYING
 PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
 6895 SOUTH 900 EAST MIDVALE, UTAH 84047
 TEL. (801) 255-7700 FAX (801) 255-8071
 E-MAIL info@mcneileng.com WEB SITE AT www.mcneileng.com



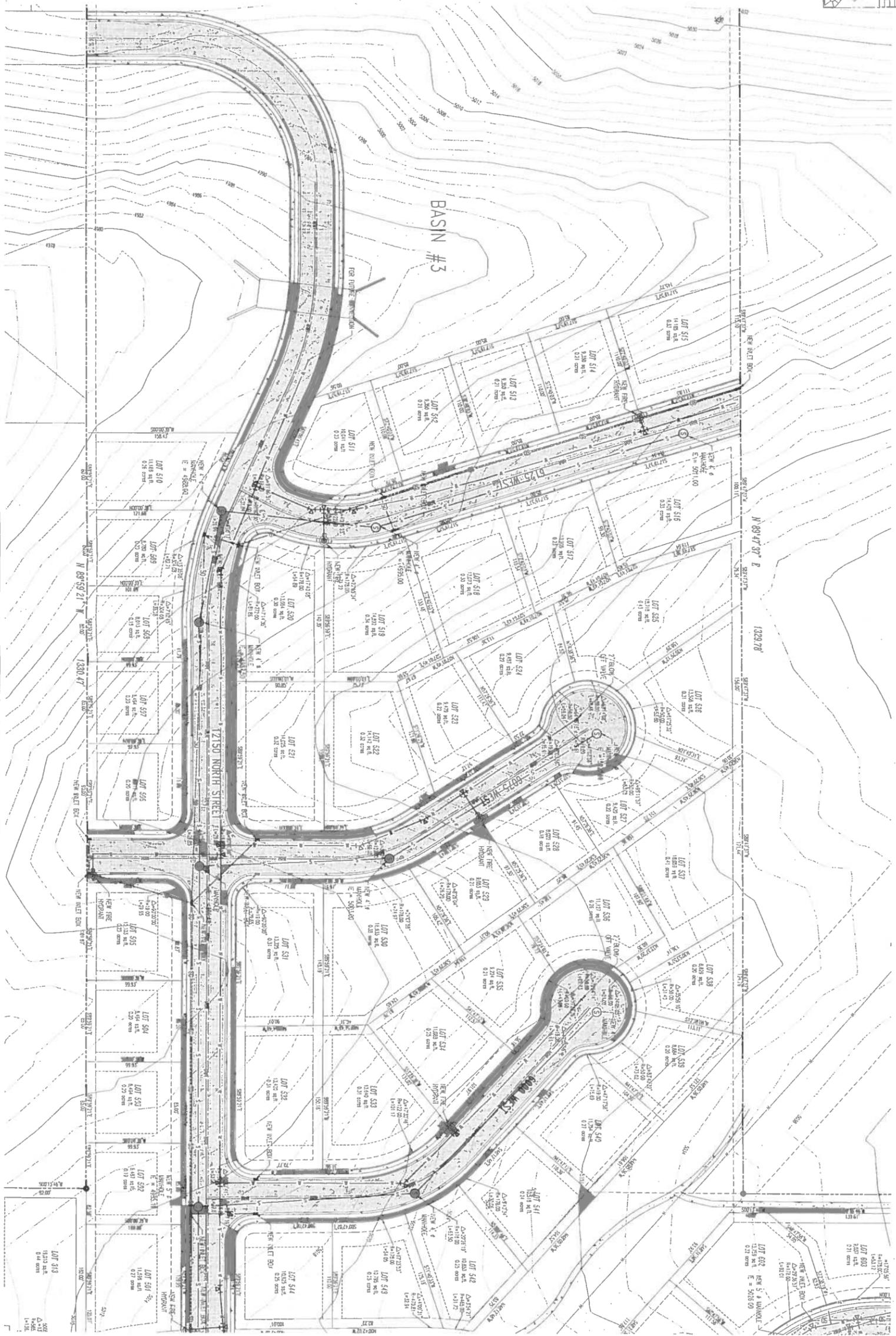
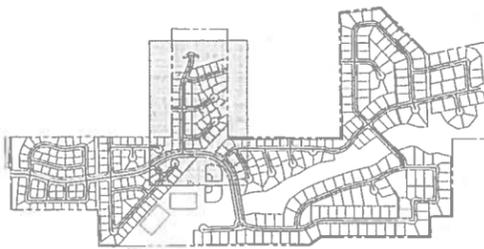
REV.	DATE	DESCRIPTION

PROJECT NO. 210660
 CADWING FILE 210660PR.DWG
 DRAWN BY: SSB/
 REVIEWED BY: SURVEYED
 CHECKED BY: CHECKED
 DATE: 12/05/01

SHEET TITLE:
PRELIMINARY PLAT

PR1.2
 SHEET 2 OF 9

KEY PLAN



BEACON HILL THE HIGHLANDS

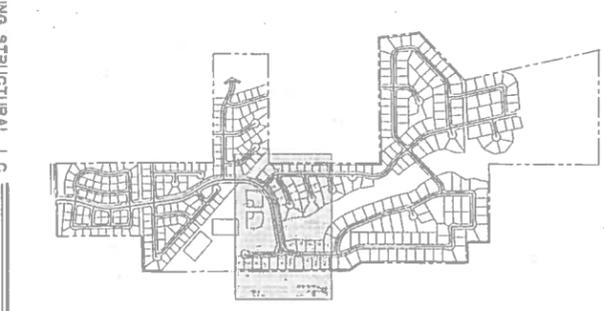
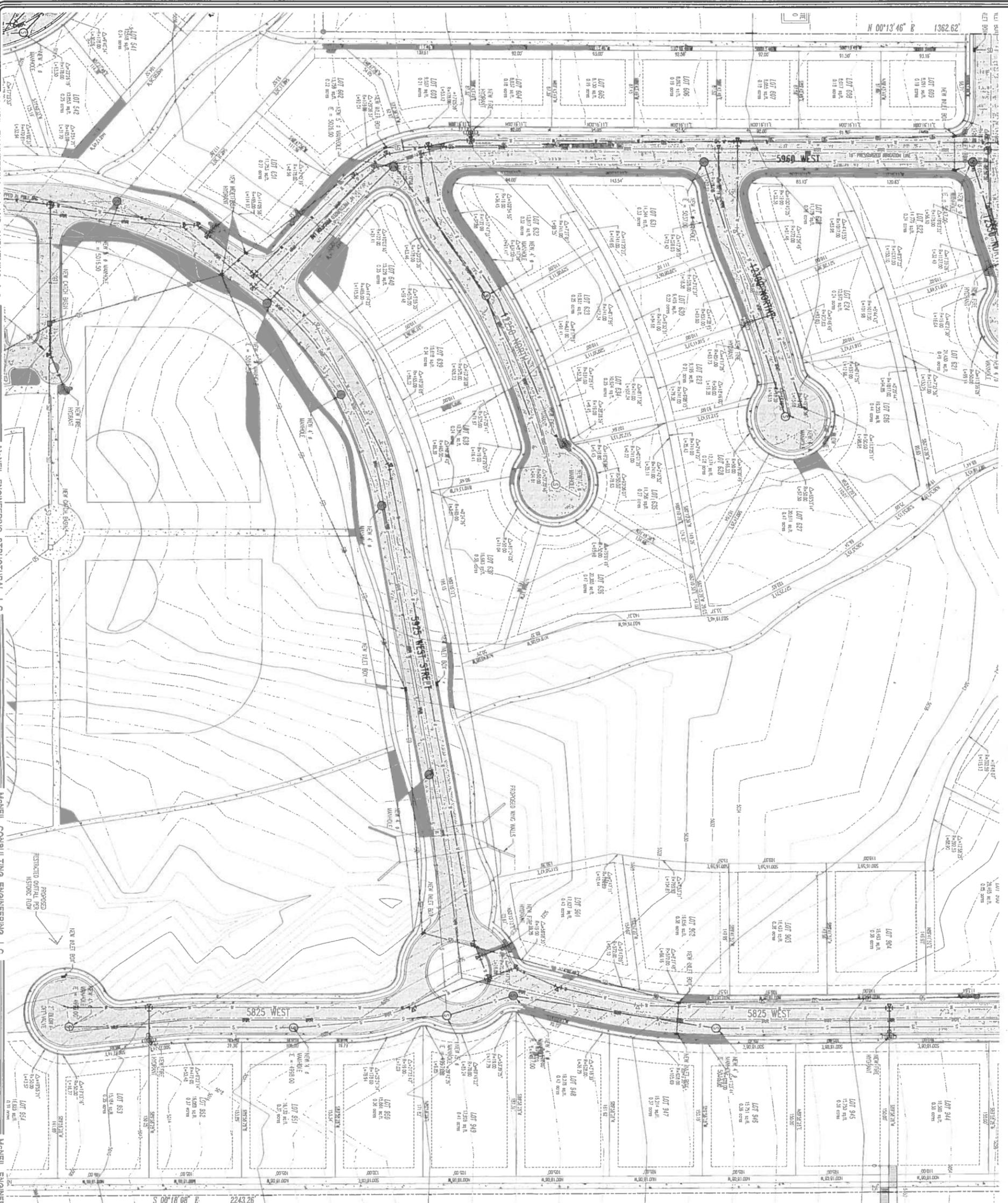
5900 WEST WESTFIELD ROAD (11800 NORTH)
LOCATED IN SECTION 23 TOWNSHIP 4 SOUTH RANGE 1 EAST



McNEIL ENGINEERING AND LAND SURVEYING
 PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
 6895 SOUTH 900 EAST MIDVALE, UTAH 84047
 TEL. (801) 255-7700 FAX (801) 255-8071
 E-MAIL info@mcneileng.com WEB SITE AT www.mcneileng.com



PROJECT NO.	210680
CAD FILE	210680P.DWG
DRAWN BY	SSB
CHECKED BY	SSB
DATE	12/05/01
SHEET TITLE	PRELIMINARY PLAT
SHEET NO.	4 OF 9



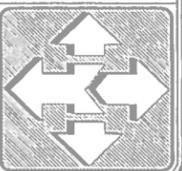
NO.	DATE	REVISIONS

BEACON HILL THE HIGHLANDS

5900 WEST WESTFIELD ROAD (11800 NORTH)
LOCATED IN SECTION 23 TOWNSHIP 4 SOUTH RANGE 1 EAST

STAMP/SEAL
PROFESSIONAL ENGINEER
DALE K. BENNETT
12.26.01
STATE OF UTAH

McNEIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
6895 SOUTH 900 EAST MIDVALE, UTAH 84047
TEL. (801) 255-7700 FAX (801) 255-8671
E-MAIL: info@mcneileng.com WEB SITE AT: www.mcneileng.com

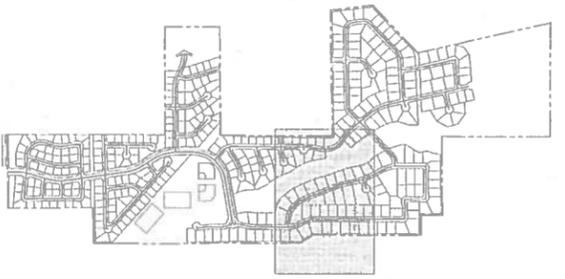
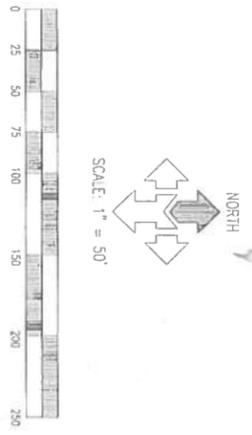
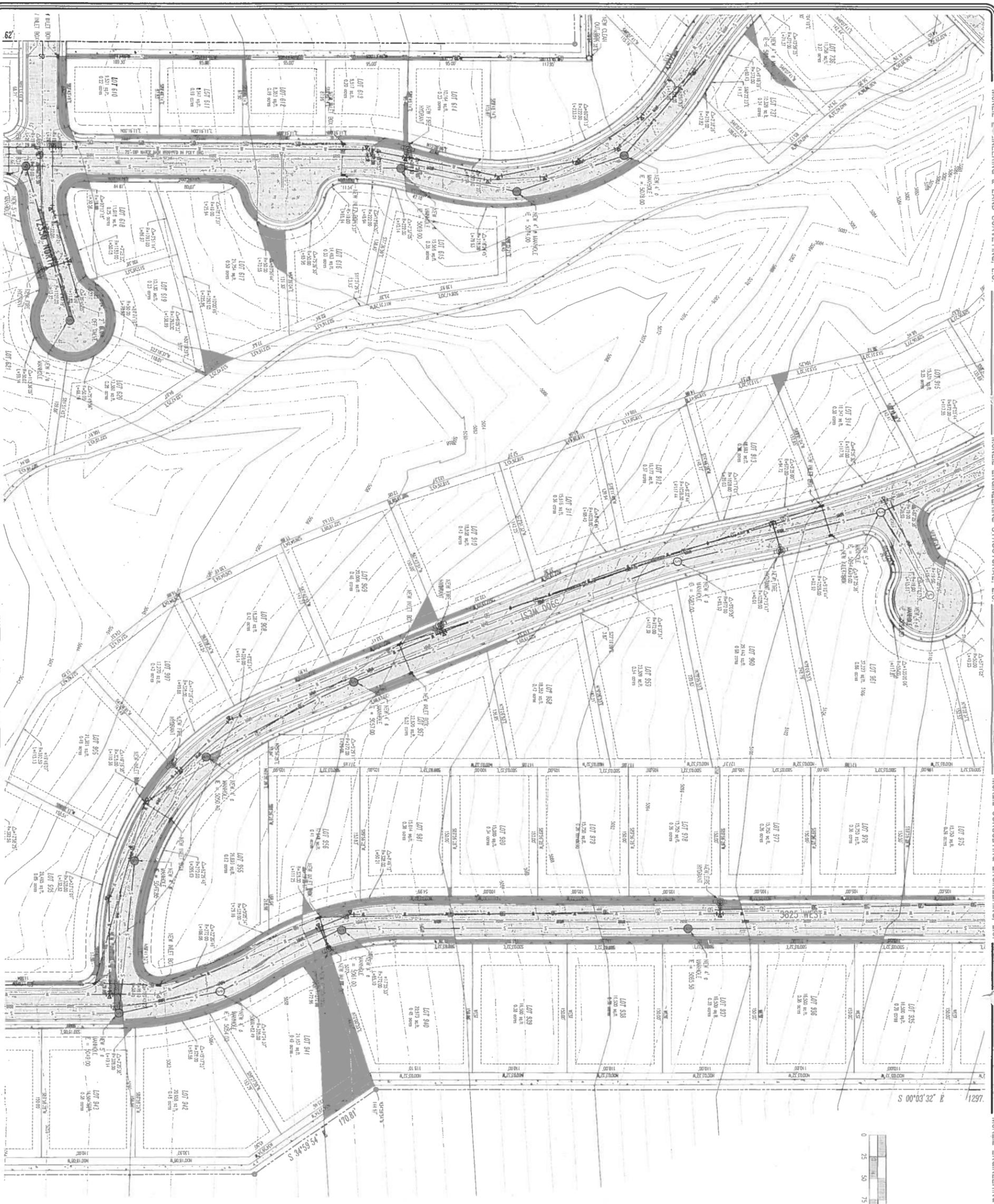


PROJECT NO. 210660
CADD FILE: 210660PRD.DWG
DRAWN BY: SSB
CHECKED BY: SSB
DATE: 12/25/01

PRELIMINARY PLAT

PR1.5
SHEET: 5 OF 9

McNEIL ENGINEERING & LAND SURVEYING, L.C. McNEIL ENGINEERING STRUCTURAL, L.C. McNEIL ENGINEERING STRUCTURAL, L.C. McNEIL ENGINEERING STRUCTURAL, L.C.



McNEIL ENGINEERING & LAND SURVEYING, L.C.
 McNEIL ENGINEERING STRUCTURAL, L.C.
 McNEIL CONSULTING ENGINEERING, L.C.
 McNEIL ENGINEERING STRUCTURAL, L.C.

McNEIL ENGINEERING AND LAND SURVEYING
 PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
 6885 SOUTH 900 EAST MIDVALE, UTAH 84047
 TEL. (801) 255-7700 FAX (801) 255-8071
 E-MAIL: info@mcneileng.com WEB SITE AT www.mcneileng.com

STAMP SEAL
 DALE K. BENNETT
 PROFESSIONAL LAND SURVEYOR
 STATE OF UTAH

BEACON HILL THE HIGHLANDS
 5900 WEST WESTFIELD ROAD (11800 NORTH)
 LOCATED IN SECTION 23 TOWNSHIP 4 SOUTH RANGE 1 EAST

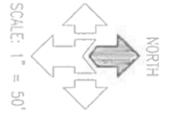
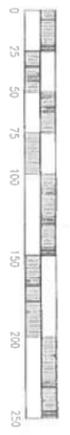
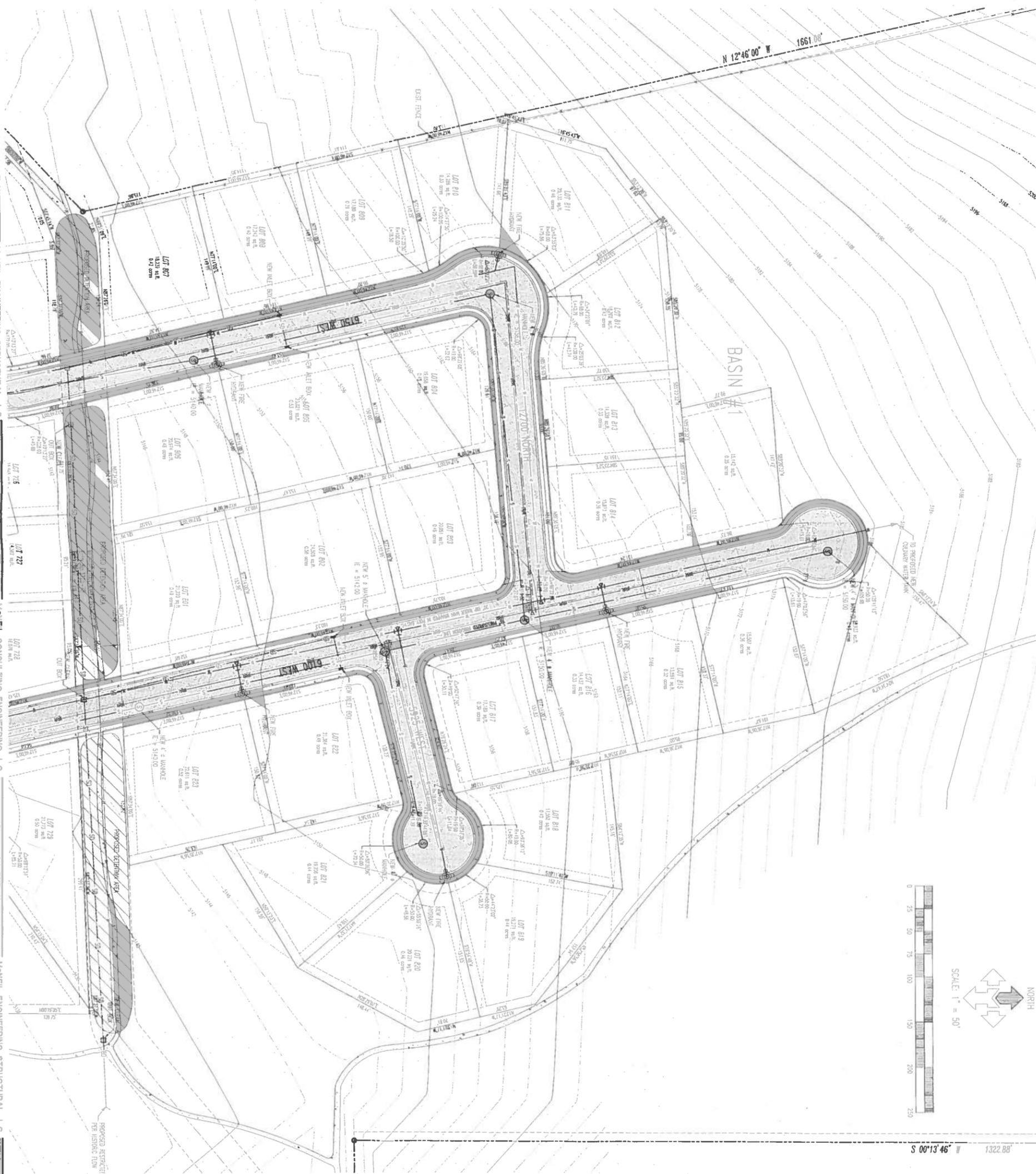
REV.	DATE	DESCRIPTION

PROJECT NO: 2100660
 CONTRACT NO: 2100660/RD/DWG
 DRAWN BY: GSB/
 SURVEYED BY: SURVEYED
 CHECKED BY: CHECKED
 DATE: 12/05/01
 SHEET TITLE: PRELIMINARY PLAT

PROJECT NO: 2100660
 CONTRACT NO: 2100660/RD/DWG
 DRAWN BY: GSB/
 SURVEYED BY: SURVEYED
 CHECKED BY: CHECKED
 DATE: 12/05/01
 SHEET TITLE: PRELIMINARY PLAT

PR1.6
 SHEET: 6 OF 9

KEY PLAN



S 00°13'46" W 1322.88'

BEACON HILL THE HIGHLANDS

5900 WEST WESTFIELD ROAD (11800 NORTH)
 LOCATED IN SECTION 23 TOWNSHIP 4 SOUTH RANGE 1 EAST



McNEIL ENGINEERING AND LAND SURVEYING
 PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
 6895 SOUTH 900 EAST MIDVALE, UTAH 84047
 TEL. (801) 255-7700 FAX (801) 255-9071
 E-MAIL: info@mcneileng.com WEB SITE AT www.mcneileng.com



REV	DATE	DESCRIPTION

REVISIONS

PROJECT NO. 210666
 CADD FILE 210666.RVDWG
 DRAWN BY: SSB/J
 SURVEYED BY: SURVEYED
 CHECKED BY: CHECKED
 DATE: 12/05/01

SHEET TITLE:
PRELIMINARY PLAT

PRI.9
 SHEET: 9 OF 9

March 30, 2016

Members of the Design Review Committee,

As a resident of the Beacon Hills/Twin Bridge Estate subdivision I would like to express my opposition to the proposed development by Perry Homes known as Beacon Hills the Highlands. Highland City's greatest asset is its topography, I hope that the members of the design review committee would not be short sighted by selling this land to a production home builder.

I am sure that Perry Homes makes a fine home, however their existing homes in the Beacon Hills area are an unfortunate drag on the property value of the surrounding custom homes. In the years I have lived in Beacon Hills I have watched as many of their "spec homes" sit vacant for years. The proposed development is a desirable location and could be the site of custom homes which would provide continuity with the existing neighborhood and attract higher income residents. Additional custom homes would also increase the value of surrounding homes and provide higher property taxes for the city.

Like many others, I moved to Highland to live in an area with a unique and distinct esthetic. This appeal is fading as these "cookie cutter" homes continue to be built around the city. The city has lost its unique appeal and is becoming undistinguishable swab of track homes. Please look to Cedar Hills as a cautionary tale of what happens when a city sells its assets for a quick buck.

Respectfully,

Sean Anderson

Homeowner, Beacon Hills

JoAnn Scott

From: Kelsey Bradshaw
Sent: Tuesday, March 22, 2016 8:15 AM
To: Nathan Crane; JoAnn Scott
Subject: FW: Beacon Hills Highlands, Plat G

From: Jeff Conley [mailto:jeffreyconley@gmail.com]
Sent: Monday, March 21, 2016 9:29 PM
To: Planning
Subject: Beacon Hills Highlands, Plat G

We recently received a letter informing us of Perry Homes intention to build 56 homes in the Beacon Hills subdivision. As a resident at on Angels Gate I am extremely concerned about the plans provided to us on the vicinity map. As I can see, the new subdivision will have only one access point - Lighthouse Dr/Angels Gate. This road already receives a lot of fast moving traffic and 56 homes without another access point will only increase the traffic and the danger to children living on Lighthouse Dr/Angels Gate.

My concern comes from experience as in the fall of 2015 someone came down our street jumped the curb and drove through my front yard and over trees. I have five children all under the age of 14 (one is two) and traffic and lack of speed control is a significant issue. Adding 56 homes that have only one way to get in and out of the neighborhood will make matters worse.

I recommend that Perry either do not develop the plots, develop the plots south of the proposed location or build a second road or access point and put in speed bumps or some other speed deterring structure.

Sincerely

Jeff Conley

Metropolitan Water District of Salt Lake & Sandy

3430 East Danish Road, Cottonwood Heights, UT 84093
 Phone: 801-942-1391 Fax: 801-942-3674
 www.mwdsls.org



March 25, 2016

Highland City
 Community Development Department
 Attn: Nathan Crane, Community Development Director
 5400 West Civic Center Drive ~ Suite 1
 Highland, Utah 84003

*Delivered Electronically
 to nathanc@highlandcity.org*

Dear Mr. Crane:

The Metropolitan Water District of Salt Lake & Sandy was recently noticed of a Highland City Design Review Committee meeting for the preliminary subdivision plat for Beacon Hills The Highlands Plat 'G' on March 31 at 3:00pm and a public hearing to be held April 12 at 7:00pm. The proposed development borders on the west property owned by the District and encompasses a District access easement and also an easement for the Salt Lake Aqueduct.

Use of the District's property and property interests by another party should be consistent with District Policies and Procedures and requires an agreement. The developer has not yet submitted an application or complete set of plans to the District to review.

We present the following concerns related to the preliminary plat drawings provided by Highland City staff:

1. The District owns and utilizes a 50-ft wide access easement along the north part of the development. We are unaware of any additional easements granted over this alignment, including the "public trail easement & Bonneville Shoreline Trail" and the "50' water tank access easement." Any trail or public use within this area will first require District approval in the form of a License Agreement.
2. A road (Ponce de Leon Dr.) and utility crossings are shown over the District's access easement. These facilities should be reviewed and approved by License Agreement prior to construction. As a consideration, should construction of Ponce de Leon Dr. to the North proceed and the District to receive use of this public road to access it's easement and property to the West would enable the District to consider abandoning its deeded easement east of Ponce de Leon Dr.
3. Properties that abut the District's property should include fences without gates to prevent unauthorized pedestrian and vehicle traffic on the District's property, and prevent future encroachment onto the District's property.
4. A portion of Lots 13 and 14 encroach upon an easement for the Salt Lake Aqueduct. Use of the easement should comply with District Policies and Procedures and shall not be fenced. This easement should read "Salt Lake Aqueduct Easement" as opposed to "USA water line easement."
5. Grading should not negatively impact drainage from or onto District property, or make steeper or more difficult to operate any portion of the District property.

Metropolitan Water District of Salt Lake & Sandy

3430 East Danish Road, Cottonwood Heights, UT 84093
Phone: 801-942-1391 Fax: 801-942-3674
www.mwdsls.org



6. Development construction activities including, but not limited to, parking, material storage, and disposal of soil, shall not encroach upon the District's property without written permission from the District.
7. The property line should be accurately marked prior to development with temporary construction netting or fencing.
8. We respectfully request that the District be included as a signing party to the subdivision plat with respect to its easement interests.

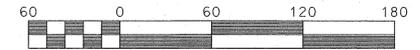
We ask that Highland City consider conditioning any plat approvals on the developer acquiring the necessary License Agreements from the District for any work involved on District property and property interests prior to final approval. Should you have any questions, please contact me at (801) 942-9631 or winsor@mwdsls.org.

Sincerely,

Wayne E. Winsor, P.E.
Engineering & Maintenance Manager

cc: Michael Wilson, General Manager
JoAnn Scott, Highland City, Community Development, planning@highlandcity.org

Utility and road crossings across District rights of way require an agreement.



SCALE: 1"=60' 22x34
SCALE: 1"=120' 11x17

LEGEND

- (LP) LIGHT POLE
- (CB) CATCH BASIN
- (WV) WATER VALVE
- (PIV) PRESSURE IRRIGATION VALVE
- (FH) FIRE HYDRANT
- (WM) WATER METER
- (SIGN) STREET SIGN
- (SSMH) SEWER MANHOLE
- (SDMH) STORM DRAIN MANHOLE
- (CTB) EXISTING CABLE TV BOX
- (EJB) EXISTING ELECTRICAL JUNCTION BOX
- G — NEW GAS LINE
- g — EXIST. GAS LINE
- wtr — EXIST. WATER LINE
- W — NEW CLASS 350 DIP WRAPPED IN POLY BAG CULINARY WATER LINE
- ir — EXIST. PRESSURIZED IRRIGATION LINE
- PI — NEW C-900 DR 18 PURPLE PIPE P.I. LINE
- be — EXIST. BURIED ELECTRICAL
- BE — NEW BURIED ELECTRICAL
- swr — EXIST. SEWER LINE
- ss — NEW SDR-35 SAN. SEWER LINE
- sd — EXIST. STORM DRAIN
- SD — NEW RCP STORM DRAIN LINE

MW BROWN ENGINEERING, INC.
Office: (801) 377-1790 Fax: (801) 377-1789
578 East 770 North, Orem UT 84057

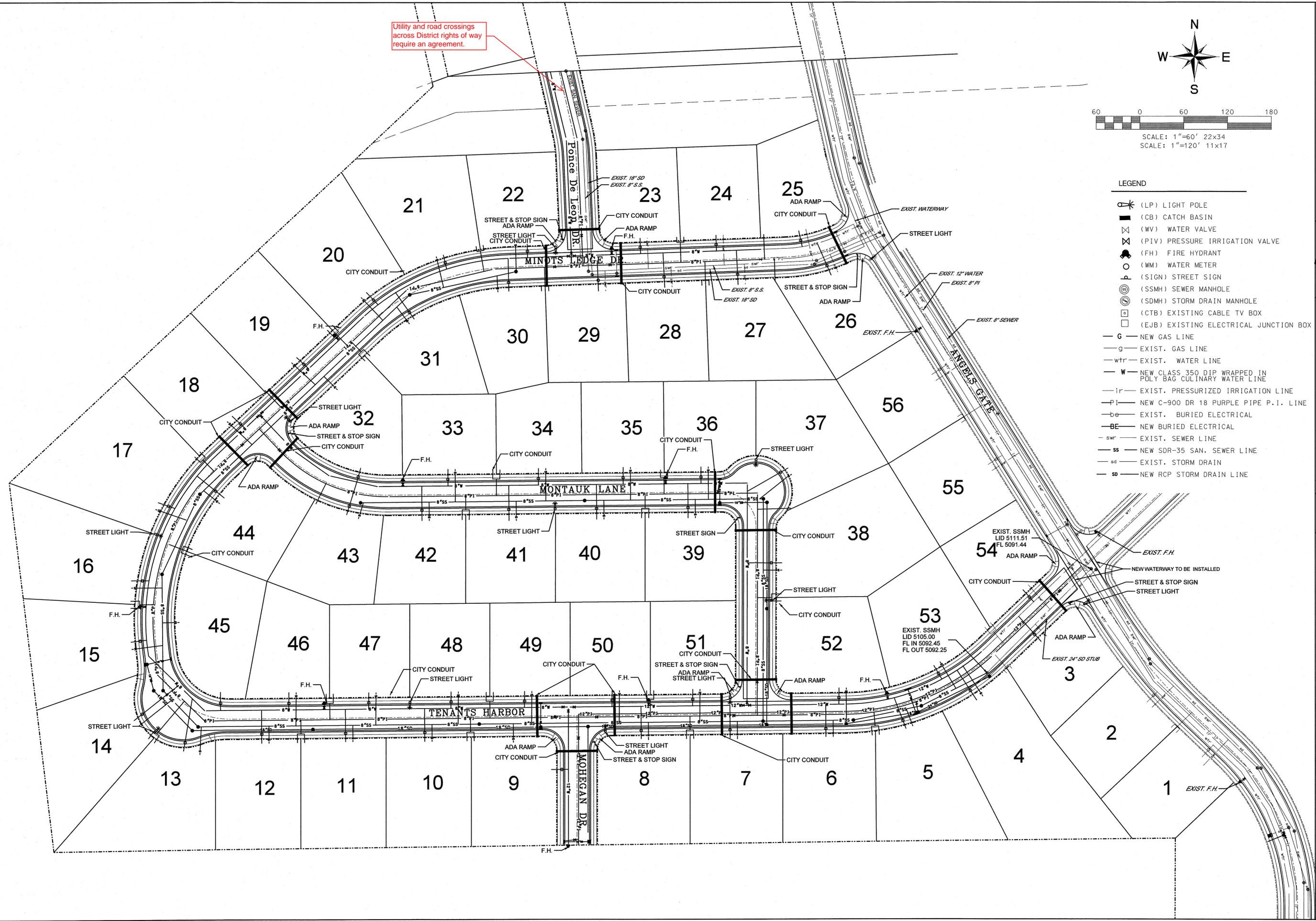


No.	Date	By	Notes

Designed: _____
Drawn: D.B.
Checked: _____
Date: _____

BEACON HILL PLAT G
HIGHLAND, UTAH
PRELIMINARY UTILITY PLAN

Title: _____
Client: _____
Drawing Name: _____
PROJECT NO. 2016.004
SHEET NO. 3





PLANNING COMMISSION AGENDA REPORT ITEM #4

DATE: April 12, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing and Ordinance - A request by the Highland City Council (Mayor Mark Thompson) to amend Article 4.1 R-1-40 Residential Zone, Section 3-4109 Accessory Buildings and Article 4.2 R-1-20 Residential Zone, Section 3-4209 Accessory Buildings, amending the side yard setback requirements for accessory buildings from ten feet (10') to twenty-five feet (25') and reducing the maximum allowable size (TA-16-03).

STAFF RECOMMENDATION:

The Planning Commission should a public hearing debate the request, draft findings, and provide a recommendation to the City Council.

BACKGROUND:

The R-1-40 zone is the primary residential zone for Highland City. The R-1-20 zone is a residential zone for Highland City that is intended to serve as a transitional zone between R-1-40 and higher density areas. Setback requirements are used to ensure that buildings do not 1) create a fire hazard for buildings on adjacent lots, and 2) help regulate the desired character of the built environment in the city, such as maintaining a rural character, or to help avoid the imposition of shadows or impede views from adjoining properties.

A development code amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The proposed amendment changes the side yard setback requirements for accessory buildings from ten feet (10') to twenty-five feet (25').
2. The proposed amendment reduces the overall size of accessory buildings from 5% of the total gross lot area to 3% of the gross lot area.

CITIZEN PARTICIPATION:

Notice of the Planning Commission public hearing was published in the April 21, 2016 edition of the Daily Herald. No comments have been received.

ANALYSIS:

- The proposed amendment supports the goals of the General Plan by requiring greater distances between accessory buildings to buildings on adjacent lots. This supports the design goals of creating development patterns that give a further sense of "rural openness."
- However, negative consequences of the proposed amendment could include bisecting rear yards areas. It may create pockets of land in the corners of lots that are difficult to maintain or have lower utility than the remainder of the rear yard and invite weeds, junk storage, or other nuisances.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. 2016-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE TO ADD ARTICLE 4.25 R-1-30 RESIDENTIAL ZONE AS SHOWN IN FILENAME TA-16-04.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on April 12, 2016; and

WHEREAS, the City Council held a public hearing on this Ordinance on April 19, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That the Highland City Development Code Article 4.1 R-1-40 Residential Zone, Section 3-4109 Accessory Buildings and Article 4.2 R-1-20 Residential Zone, Section 3-4209 Accessory Buildings is hereby amended in "Exhibit A."

SECTION 2: That the Highland City Development Code Section 3-301 is hereby amended to include the R-1-30 Residential Zone.

SECTION 3. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, April 19, 2016.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
---------------	-----	----

Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
-------------------	--------------------------	--------------------------

Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
-----------	--------------------------	--------------------------

Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
-----------	--------------------------	--------------------------

Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
----------------	--------------------------	--------------------------

Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>
----------	--------------------------	--------------------------

EXHIBIT A

3-4109: Accessory Buildings. All accessory buildings within this zone shall conform to the following standards, setbacks and conditions:

....

(2) Size. Accessory buildings shall not cover more than ~~five percent (5%)~~ **three percent (3%)** of the total gross lot area.

....

(4) Setbacks. All accessory buildings shall comply with the following setbacks:

- (a) All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less.
- (b) An accessory building shall be set back from the rear property line a minimum of ten feet (10').
- (c) All accessory buildings shall be set back from the side property line a minimum of ~~ten feet (10')~~ **twenty-five (25')**.
- (i) All accessory buildings shall be set back at minimum an amount of ~~ten feet (10')~~ **twenty-five (25')** from the side lot line which abuts a street or ~~ten feet (10')~~ **twenty-five (25')** from the Parkway Detail.
- (d) All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.

....

3-4209: Accessory Buildings. All accessory buildings within this zone shall conform to the following standards, setbacks and conditions:

....

(2) Size. Accessory buildings shall not cover more than ~~five percent (5%)~~ **three percent (3%)** of the total gross lot area.

....

(4) Setbacks. All accessory buildings shall comply with the following setbacks:

- (a) All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less.
- (b) An accessory building shall be set back from the rear property line a minimum of ten feet (10').
- (c) All accessory buildings shall be set back from the side property line a minimum of ~~ten feet (10')~~ **twenty-five (25')**.
- (i) All accessory buildings shall be set back at minimum an amount of ~~ten feet (10')~~ **twenty-five (25')** from the side lot line which abuts a street or ~~ten feet (10')~~ **twenty-five (25')** from the Parkway Detail.
- (d) All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.

....



PLANNING COMMISSION AGENDA REPORT ITEM #5

DATE: April 12, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing and Ordinance – A request by the Highland City Council to create an R-1-30 Residential District (TA-16-04).

STAFF RECOMMENDATION:

The Planning Commission should a public hearing debate the request, draft findings, and provide a recommendation to the City Council.

BACKGROUND:

Over the last several months, the City Council and Planning Commission have reviewed a number of requests for R-1-20. Concern has been raised regarding whether or not R-1-20 should be used throughout the City.

R-1-40 (Single Family Residential) District

- The R-1-40 District is a density based district and not a lot size district. The number of lots permitted on property is determined by dividing the number of acres by 40,000 square feet. In other words one lot is allowed for every 40,000 square feet of land area. Subdivisions are allowed to have up to 25% of the lots between 20,000 to 30,000 square feet. All other lots are required to be greater than 30,000 square feet. As a result, there are lots in the R-1-40 District that vary from 20,000 square feet to over an acre.
- In addition, past City Councils have approved open space subdivisions. Generally, the minimum lot size is 14,000 square feet with a minimum average of 16,000 square feet for the subdivision. Thirty percent of the land area is required to be open space and densities do not exceed 1.4 units per acre. Based on a preliminary analysis done in 2013 the average density of all open space subdivisions are 1.6 units per acre. Further study would be needed to confirm these numbers.
- Because of the varying lot sizes, there is a misconception that the density in Highland is higher than what it actually is. Staff believes that justification is

needed to exceed densities above the R-1-40 District.

Zoning and the R-1-20 (Single Family Residential) District

- The objective of the R-1-20 District is outlined in Section 3-4201 and summarized as follows:
 - Support medium low density residential environment within the City.
 - Create transitional areas between higher density zones in adjacent cities and development in Highland.
 - Establish transition between higher densities in Highland and lower densities where practical.
 - Better manage land use on properties not suited to lower density zones.
 - Create areas for people who do not want large animals or large lots.
- The R-1-20 District has not been used extensively within Highland. The primary areas it has been used is the south side of 9600 North, the Alpine Country Club and other non-conforming areas. Non-conforming areas are lots that do not meet the minimum lot size. Many of these lots were approved in the County prior to incorporation of the City.

R-1-40 vs. R-1-20 Comparison

- The maximum density in the R-1-40 District, excluding overlay districts, is one unit per 40,000 square feet. The maximum number of lots currently permitted is 21 lots or 1.26 units per acre. The maximum density in the R-1-20 District is one unit per 20,000 square feet. A maximum of 42 lots or 2.14 units per acre would be permitted by the R-1-20 District. The concept plan shows 28 lots.
- Lots with a minimum square footage of 30,000 square feet are allowed to have up to three large animals. One additional large animal is allowed for every 10,000 square feet above 30,000 square feet. With a minimum square footage of 20,000 square feet animals are typically not permitted in the R-1-20 District. One of the common complaints that we receive is from residents that are adjacent to lots with large animals.

A development code amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The proposed amendment will create a new R-1-30 District. The key regulations of the District are as follows:

- a) Density: 1 lot per 30,000 square feet
- b) Minimum lot size: 20,000 square feet – 25% of the lots can be between 20,000 and 25,000 square feet
- c) Minimum Lot Width: 120 feet – A lot on a cul-de-sac can be 100 feet at the setback line
- d) Setbacks: 30' front, combined 25' side yard and 10' minimum, 30' foot rear. 30' corner side yard
- e) Permitted Uses, Conditional Uses, Accessory Building, Athletic Courts, Animal Uses and Structures, Swimming Pools, etc. same as R-1-40 and R-1-20

CITIZEN PARTICIPATION:

Notice of the Planning Commission public hearing was published in the April 21, 2016 edition of the Daily Herald. No comments have been received.

ANALYSIS:

- Since 1977 Highland has been a large lot residential community based on a density of one unit per 40,000 square feet. Using the R-1-20 District may strike a balance between R-1-40 and R-1-20.
- The definition of “large lots” is unique to each community. There are communities where 8,000 square foot lots are considered large and there are communities where one acre lots are considered small.
- The purpose of the R-1-30 District is to strike a balance between traditional R-1-40 and R-1-20.
- Over the last month staff has been working on a community survey. The survey did not define large lot. However, given the historic development of Highland reasonable conclusions can be made. There were two questions related to this issue. Preliminary results are as follows:
 - Large lots were the second most popular reason for living in Highland (52%)
 - Only 7% supported changes to allow smaller lots
- Staff has completed an analysis regarding the impact on infrastructure using the R-1-30 District. The following is a summary of the analysis:
 - Storm drain as handled by each developer wouldn't be a problem. However, the increase to impervious areas would be more Sumps/Detention facilities for the City to maintain.
 - Limited impact on the culinary water system, the system is robust with looping to take more development.
 - There would be limited impact on the pressurized irrigation as the demand would likely decrease with less irrigated acreage overall.
 - Additional upgrades to the sewer lines and capacity may be required sooner

in the northwest portion of the City than originally planned. In other areas of the City there likely wouldn't be a large impact as development is spread out into different basins that ultimately fall to the TSSD Trunk Lines.

- The decision to allow R-1-20 in this instance should be deliberated carefully as there may be unintended consequences in the future. Rezoning is a legislative process. The decision should be based on the following:
 1. Is the proposed R-1-30 District consistent with the goals and objectives of the General Plan?
 2. Is the proposed R-1-30 District in the best short and long term interest of the City?
 3. What impact will there be on future development if R-1-30 is approved?

FISCAL IMPACT:

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

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. 2016-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE TO ADD ARTICLE 4.25 R-1-30 RESIDENTIAL ZONE AS SHOWN IN FILENAME TA-16-04.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on April 12, 2016; and

WHEREAS, the City Council held a public hearing on this Ordinance on April 19, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That the Highland City Development Code is hereby amended to add Article 4.25 R-1-30 Residential as shown on Exhibit A, attache4d to and incorporated herein.

SECTION 2: That the Highland City Development Code Section 3-301 is hereby amended to include the R-1-30 Residential Zone.

SECTION 3. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, April 19, 2016.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
---------------	-----	----

Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
-------------------	--------------------------	--------------------------

Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
-----------	--------------------------	--------------------------

Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
-----------	--------------------------	--------------------------

Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
----------------	--------------------------	--------------------------

Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>
----------	--------------------------	--------------------------

EXHIBIT A

ARTICLE 4.25 R-1-30

RESIDENTIAL ZONE 3-4251:

R-1-30 Residential Zone 3-4252:

Permitted Uses 3-4253:

Area and Width Requirements 3-4254:

Location Requirements 3-4255:

Height of Buildings 3-4256:

Size of Dwellings 3-4257:

Special Provisions 3-4258:

Conditional Uses 3-4259:

Accessory Building 3-4260:

Large Animal Shelter 3-4261:

Swimming Pool 3-4262:

Athletic Court 3-4263:

R-1-30 Residential Zone.

(1) The objective in establishing the R-1-30 Residential Zone is to support a ~~medium~~ low density residential environment within the City which is characterized by large lots, well-spaced buildings, well kept lawns, trees and other landscaping with the nature of the environment substantially undisturbed, a minimum of vehicular traffic, and quiet residential conditions favorable for family life. In addition, the following reasons for the establishment and use of the R-1-30 Zone are outlined: (a) To create transitional areas ~~on the periphery of within~~ the City between ~~other residential zones higher density zones in adjacent cities and Highland's lower density zones.~~ (b) ~~To establish transitions between existing higher density areas in Highland and lower density areas where practical.~~ (c) ~~To better manage land use on properties not as well suited to the lower density zones in the City.~~ (d) ~~To create a distinction between areas with residents wanting large animals and those who do not.~~ To create a distinction and a gradation between one acre larger lots and half acre lots. As well as ~~provide~~ provide for residents who want more land to maintain and residents who want less.

(2) Representative of the uses within the R-1-30 Zone are single-family dwellings, schools, churches, parks, playgrounds, and other community facilities designed in harmony with the characteristics of the Zone. (see section 5-128)

(3) Multi-family dwellings (with the exception of approved basement apartments as defined within Section 4-105 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

3-4252: Permitted Uses. (Amended 2/18/97, 7/15/08) The following buildings, structures, and uses of land shall be permitted in the R-1-30 Zone upon compliance with requirements set forth in this Code:

(1) Single-family dwellings, conventional construction, which include a garage of sufficient size for storage of two automobiles (see 10-102(16) for definition of Dwelling).

(2) Accessory uses such as storage buildings, private garages, carports, noncommercial greenhouses, and swimming pools.

(3) Public utility lines and subject to 5-114(6).

(4) Household pets.

(5) Fences, walls, hedges.

(6) Gardens, fruit trees.

(7) **Keeping of animals subject to Section 3-4102.7.**

(8) Residential facilities for persons with a disability; please refer to Section 3-4102(8) and 3-4102(10) in this Code.

(9) Residential facilities for the rehabilitation and treatment of the disabled; please refer to Section 3-4102(9) and 3-4102(10) in this Code.

(10) Residential facilities for elderly persons; please refer to Section 3-4102(11) and 3-4102(12) in this Code. (Ord: #2010-09, 07/20/2010)

(11) **Home Occupations please refer to Article 6, Section 3-614, Supplementary Regulations 3-4253: Area and Width Requirements. The maximum number of lots to be permitted on a subdivided property is determined by platting subdivision lots that are a minimum of 30,000 square feet in size with a minimum width of 120 feet of frontage along an improved public road as defined below. Lots in the R-1-30 District may be smaller than 20,000 square feet within no more than 25% of the lots being less than 25,000 square feet. Right-of-way required to obtain minimum frontage requirements is not included when calculating the minimum size of a lot.**

Use	Minimum Lot Area	Minimum Width at the Setback Line
Single Family Dwelling	30,000 square feet	120 feet (Cul-de-sac lots, entirely located within the bulb, shall have an exception with a minimum width of 100 feet at the Setback Line required.)

3-4254: Location Requirements. (Amended: 9/5/00, 8/1/06) Buildings and structures on lots within the R-1-30 Zone shall be located as follows:

(1) All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the front lot line.

(2) All dwellings and other main buildings and structures shall have a combined side yard of not less than twenty five (25) feet, with no structure closer than ten (10) feet from either side lot line;

(3) All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the rear lot line.

(4) Notwithstanding any provision of this Section to the contrary, the following additional requirements shall apply to corner lots: (a) All dwellings and other main buildings shall be set back not less than thirty (30) feet from the side lot line which abuts on a street. (b) The side setback required for the interior side of such lots shall be that required by paragraph (2) of this Section.

(5) Anything structurally attached to the home such as a foundation wall, deck requiring a building permit (covered or uncovered), or covered patio (unless cantilevered) shall be considered part of the main dwelling.

3-4255: Height of Buildings. (Amended: 6/7/05, 3/7/06) The maximum height of any building in the R-1-30 Zone shall not exceed thirty-five (35) feet. The height is measured from one location along any elevation where the "Grade of Building" (as defined in 10-102(23)) to the highest part of the building is at its greatest vertical distance. On sloped lots where the grade difference exceeds four feet in elevation the averaged maximum "Height of Building" (as defined in 10-102 (26)) in the R-1-30 Zone shall not exceed an average height of thirty-five (35) feet above grade of building as defined in Section 10-202 (23). No building shall be constructed to less than the height of 10 feet or one story above finished grade.

3-4256: Size of Dwellings. The main floor living area in a Rambler dwelling in the R-1-30 Zone shall have a minimum finishable area of (1,200) square feet and include a double car garage. The ground floor living area of any Two Story dwelling in the R-1-30 Zone shall not be less than (900) square feet and the dwelling shall have a total of not less than (1,500) square feet of finishable living area above ground and include a two car garage. A Split Level home in the R-1-30 Zone shall have a minimum of (1,600) square feet finishable above the garage floor elevation and include a double car garage. As long as finishable areas are provided as specified the dwelling need not be finished beyond that required by building codes.

3-4257: Special Provisions. Special provisions shall apply in the R-1-30 Zone in order to protect its essential characteristics:

(1) The setback required around buildings and structures shall be kept free from refuse and debris.

(2) All buildings and uses within this zone shall comply with all applicable portions of Sections 3-601 through 3-620.

(3) At least seventy percent (70%) of the area contained within a required front yard or side yard adjacent to a street shall be landscaped within one year of occupancy.

(4) Park or Planter Strips. All park strip areas, between the sidewalk and the curb, are to be covered and maintained according to the requirements defined in Chapter 3, Article 6, Section 3-621 in this Code.

(5) Sufficient off street parking shall be provided and maintained for all automobiles and recreational facilities owned or used by occupants of each dwelling.

3-4258: Conditional Uses. (Amended 2/18/97, 4/21/98, 11/3/98, 1/15/02, 6/17/03, 12/2/03, 3/2/04, 6/15/04, 6/15/04, 11/1/05, 12/2/08) The following buildings, structures and uses of land shall be allowed in the R-1-30 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code:

(1) Public schools and school grounds.

(2) Churches, church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities.

(3) Libraries, museums, art galleries.

(4) Nonprofit country clubs used for recreational purposes as defined in this Section by members of the club. A non-profit country club shall be limited to golf. Preparation and serving of food and/or beverages associated with golf, on property specifically associated for these uses may be approved with Conditional Use. Sale of equipment and/or supplies may be approved with the conditional Use. Preparation and serving of food and/or beverages and the sale of equipment and/or supplies shall be a secondary and ancillary use to golf. Nonprofit country clubs shall have memberships and regular periodic dues associated with the country club. A minimum of 50% of the proposed property associated with a non-profit country club shall be landscaped. The proposed landscaping area shall be limited to 15% non-living material. The applicant shall submit annually to Highland City a copy of the certified annual report required by the Utah Department of Commerce. (a) Applicants desiring to obtain a nonprofit country club conditional use shall provide the following information when applying for a Conditional Use: (i) Legal evidence and documentation of their non-profit corporation status with the Utah State Department of Commerce; and (ii) Two (2) copies of detailed Architectural elevations (1/8" scale) for any structures and associated site plan (1" = 20' scale); and (iii) Two (2) copies of a detailed Landscaping Plan (1" = 20' scale).

(5) Permanent public maintenance buildings that may include storage yards, storage structures and repair shops.

(6) Public parks and open space including appurtenances primarily associated with a public park as follows: playground equipment, pavilions, restrooms, temporary restrooms, benches, tables, outdoor athletic courts, outdoor athletic fields, outdoor sand pits, permanent barbeque pits/stands, and permanent accessory buildings associated with the maintenance of those grounds (if smaller than 1800 square feet (footprint), two (2) stories maximum), concessions (if associated with a sport park and attached to a restroom facility), and temporary facilities associated with temporary City held events.

(7) Communications and other towers, masts or towers.

(8) All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.

(9) Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements: (a) Model home is used for lot/home sales within the city. (b) The maximum number of personnel shall not exceed three at any given time. (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians. (d) No model home use shall exceed two years except as provided for in 3-4208(12)(k) in this ordinance. (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m. (f) Signage shall be regulated by existing sign ordinance. (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. (h) Garages used as sales office shall be converted back before occupancy is permitted. (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use. (j) All pre-existing use prior to January 15, 2002 shall have six months to come into compliance. (k) Extension. If the applicant requests an extension prior to the expiration date of approval, has paid an extension fee, and the Model Home still meets the requirements as originally approved and identified above, the City Council may consider a one (1) year extension for a Model Home Conditional Use Approval. If it becomes evident that the Model Home has been in violation of the requirements and conditions of the original Conditional Use approval during the Model Home period as determined below (ii-iii), the City Council shall not approve the extension request. The following conditions shall apply

for an extension: (i) The subdivision or subdivision phase has not sold at least 80% of the available lots within that development; and (ii) The City has not received three (3) or more written complaints from surrounding residents indicating the model home has violated a requirement or condition of approval for a Model Home (as listed above) prior to the application for the Council extension; and A. That the written complaints submitted have been submitted by at least three (3) separate individuals (residents) who reside within that subdivision or subdivision phase or live within a 500 foot radius from the model home; and (iii) The City has not issued a citation or more than two (2) written warnings specifically related to violations of the requirements or conditions of approval for that Model Home as part of the Conditional Use Approval and as defined within this Code during the previously approved period. A. Two (2) written warnings may include warnings for the same violation, may include one (1) warning for two (2) separate violations, or may include any variation of warnings exceeding an accumulation of two (2). (iv) The applicant has notified the residents within the subdivision or subdivision phase at least ten (10) days prior to the City Council consideration of the extension. (v) In any case a model home may not receive extensions where the model home would exist for more than a total of five (5) years (a maximum of three (3) extensions may be granted) or until 80% of the lots are sold within that subdivision, whichever comes first. A. In any case the model home shall cease to operate when the subdivision or subdivision phase has sold more than 80% of the available lots. (vi) Applicant may not request an extension prior to 60 days of the expiration date.

(10) Drilling wells **for water**.

(11) Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code). (Ord: #2010-09, 07/20/2010)

3-4259: Accessory Buildings. All accessory buildings within this zone shall conform to the following standards, setbacks and conditions:

(1) An accessory building is any building or structure which is not attached to the main dwelling on the lot that is: (a) Greater than 200 square feet, or (b) That is attached to a permanent foundation as defined by the building code.

(2) Size. Accessory buildings shall not cover more than seven percent (7%) of the total gross lot area. In legal non-conforming subdivisions accessory buildings shall not cover more than seven percent (7%) of the total gross lot area.

(3) Height. No accessory building shall be erected to a height greater than twenty-five feet (25') from grade.

(4) Setbacks. All accessory buildings shall comply with the following setbacks: (a) All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less. (b) An accessory building shall be set back from the rear property line a minimum of ten feet (10'). (c) All accessory buildings shall be set back from the side property line a minimum of ten feet (10'). (i) All accessory buildings shall be set back at minimum an amount of ten feet (10') from the side lot line which abuts a street or ten feet (10') from the Parkway Detail. (d) All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.

(5) Materials. Accessory buildings shall be constructed out of exterior materials consistent with the primary dwelling if the lot is 1/2 acre or less.

(6) Any accessory building used for a home occupation shall comply with the regulations governing a home occupation business. (Ord. No., Amended, 09/05/2000; Ord. No. , Amended, 01/15/2002; Ord. No. , Amended, 09/17/2002; Ord. No. 2010-01, Amended, 01/05/2010)

3-4260: Large Animal Shelter is any structure for the purpose of sheltering large animals which may also be used for storing hay and farm equipment in addition to large animals. Any detached structure requiring a foundation shall be considered an accessory structure and shall be subject to Section 3-4109 / 3-4259. A large animal shelter is a minimum of 50% open on one side. Large animal shelters do not need a building permit, but are required to meet minimum setback requirements as follows: A large animal shelter shall be a minimum of 100' from an adjacent residential dwelling unit; 75' from the owner's residential structure; 10' from a side or rear property line; 30' from any street; and 10' from a trail easement. A large animal shelter shall not be constructed within an easement. A large animal shelter shall be one of the following architectural elevations or similar construction. (Added 12/7/04)

3-4261: Swimming Pools (Adopted 9/2/08). A swimming pool is a semi-permanent structure that is constructed to hold water for recreational purposes. A pool that could be installed by the typical homeowner and may be packaged as a kit is not considered a permanent pool. A swimming pool that is constructed near or below grade with the intention of lasting more than one year shall be considered a permanent pool and shall be subject to the following requirements:

(1) All permanent pools shall be subject to all setback requirements for accessory structures as defined in Section 3-4209 of this Code; and

(2) Any structural portion of a swimming pool shall not be permitted within an easement of any kind; and

(3) Pools that are enclosed or covered within a permanent structure shall be considered an accessory structure and shall be subject to Sections 3-4254 and 3-4259 of this Code. (a) For the purposes of this section only, a "permanent structure" shall be considered any structure or landscaping object exceeding one-hundred twenty (120) square feet in size or exceeding fourteen (14) feet in height constructed for the purpose of enhancing the swimming pool or pool equipment facilities.

(4) A swimming pool may cover the area within a rear yard not located within an easement unless the construction of that pool would require the need to vary from existing ordinances. Minimum setback requirements from property lines are as follows: (a) Front Yard: Thirty feet (30') Min. (b) Rear Yard: Ten feet (10') Min. (c) Side Yard: Ten feet (10') Min. (d) Side Yard Adjacent to a Street: Ten feet (10') Min. (fence is permitted 5' from property line) (e) Trail or Landscape Easement: Ten feet (10') Min. (measured from nearest easement line)

(5) All swimming pools shall be enclosed with a fence with a minimum height of four feet and include a self-closing locking gate; or (a) That all swimming pool properties shall be enclosed with a fence that is a minimum height of a 6 feet, unless in an open space subdivision which will then be a minimum height of 5 feet; (i) In either case, it will include a self-closing locking gate and an automated swimming pool cover.

(6) All permanent swimming pools shall require a building permit.

3-4262: Athletic Court (Adopted 4/7/09). An athletic court is a solid playing surface constructed for recreational purposes. Athletic courts having any type of structure exceeding six feet (6') in height including fencing and lighting shall require a building permit and shall be subject to the following requirements:

(1) Any structural portion of an athletic court shall not be permitted within an easement (see exception in 3- 4262(3)(f) below).

(2) Athletic courts that are enclosed or covered within a permanent structure and are detached from the main dwelling unit shall be considered an accessory structure and shall be subject to Sections 3-4104 and 3-4109 of this Code.

(3) Setbacks. An athletic court may cover the total lot area within a rear yard not located within an easement. Minimum setback requirements from property lines are as follows: (a) Front Yard: 30' Minimum (b) Rear Yard: 10' Minimum (see exception in 3-4262(3)(f) below) (c) Side Yard: 10' Minimum (see exception in 3-4262(3)(f) below) (d) Side Yard Adjacent to Street: 10' Minimum (see exception in 3-4262(3)(f) below) (e) Trail or Landscape Easement: 10' Minimum (measured from the nearest easement line) (f) Exception. It is not recommended that any resident/property owner construct an athletic court within a recorded easement however, if a resident provides the information listed below with their building permit for an athletic court with a fence less than six feet (6') in height, the rear and side yard setbacks defined above would not apply and the property owner may install their athletic court within any portion of their property behind the minimum front yard setback and within a public utility easement. The required documentation for this exception is as follows: (i) Acknowledgement letters from all of the utility companies who have interest in that easement (it is important to understand the utility companies will typically not vacate or waive their right to use a recorded public utility easement); and (ii) Blue stake tickets indicating any utilities within that easement; and (iii) A signed and notarized "hold harmless" letter indemnifying Highland from any potential future loss and acknowledgement of potential financial loss for the property owner, due to the possible use of that easement.

(4) Fencing. All athletic courts enclosed with fencing shall be required to obtain a fence permit prior to construction. An athletic court is the only use that allows fencing enclosures above six feet (6') in height. Fencing above six feet (6') in height shall not exceed the fencing enclosure maximum height of twelve feet (12'). Fencing enclosures shall not be considered as part of standard property line fencing. Fencing materials for athletic courts shall consist of open mesh fabric or vinyl coated chain link without slats. Fencing for athletic courts that are less than six feet (6') in height may be placed along a rear property line or side property line within the rear yard. In all cases, Athletic courts with fences between six feet (6') and twelve feet (12') in height shall be subject to 3-4262(3) in this ordinance (above).

(5) Lighting. All athletic court lighting must be directed downward and shall not spill on to an adjacent property. The applicant shall provide evidence indicating that their light product and lighting plan will not cause light or light pollution from the athletic court light(s) to extend beyond their property line. Design and location shall be specified with the plans submitted for a building permit. Lights and light poles including the light base and any supporting structures in regards to athletic courts shall not be in excess of twenty feet (20') in height. Light operating hours shall be restricted to 7:00 am - 10:00 pm.

(6) Grading. All athletic court areas shall be designed, graded, and constructed to allow for drainage which meets Appendix J Section J109 of the International Building Code. In no case shall any court be designed to permit water from any source to drain onto an adjacent property or upon the public right-of-way.

DRAFT

Highland City Planning Commission January 26, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:03 PM on January 26, 2016. An invocation was offered by Commission Chair Kemp and those assembled were led in the Pledge of Allegiance by Commissioner Heyrend.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Brady Brammer
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Tim Heyrend
Commissioner: Kurt Ostler
Commissioner: Steve Rock

EXCUSED:

STAFF PRESENT: Community Development Director: Nathan Crane
Planning Coordinator: Kelsey Bradshaw
Planning Coordinator: JoAnn Scott
Planning Commission Secretary: Heather White

OTHERS: See meeting attendance list

PUBLIC APPEARANCES

Upon request, Commissioner Kurt Ostler introduced himself. Chairman Kemp mentioned that it was Commissioner Heyrend's last meeting and thanked him for his service.

Chairman Kemp asked for public comment. Mr. Holladay mentioned that he had to leave early and asked to make comment regarding Public Hearing Item PP-15-04. He said he was in favor of the Highland Oaks Development, but concerned with the drainage. He said the homes on Brunswick Way could be impacted from the runoff from the Highland Oaks Development if there was improper grading. He voiced concern that property values could go down if there was flooding. He said the property was now higher than the homes to the north. He encouraged the Commissioners to get in writing the intent of what the Highland Oaks developers planned to do with grading.

Chairman Kemp asked for additional public comment. None was given.

DRAFT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

WITHDRAWALS AND CONTINUANCES

None.

PUBLIC HEARING ITEMS

1. **TA-15-04**

Highland City Council is requesting to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits.

Chairman Kemp opened the public hearing by consent at 7:12 PM.

Mr. Jansen said he reviewed the conditional use chapter in the Highland City Code and compared it with changes made to Utah State Law. He reviewed the State Law, the standards for conditional uses, and said that there needed to be very unique circumstances in order for a city to oppose a conditional use. He recommended updating the Highland City Code and suggested reviewing the language for conditional use standards as well as reviewing the uses within each zone. He suggested the possibility of creating a chapter specifically addressing standards for conditional uses.

Commissioner Brammer said the purpose of the statutes on conditional uses, specifically Utah Code 10-9a-507, explained that land owners and developers needed to have clear guidelines in proposing what they were going to do. He voiced concern about the idea of cities not being able to deny an application if it was found detrimental, but was not within the standards that the city was prospectively able to speculate and provide to the developer. His interpretation of the statute was that cities needed to be able to make a prospective legislative decision as to what the criteria needed to be, and as long as the city provided the standard, the land owner or developer would have the opportunity to comply with it. He understood that denials could be given as long as the city made a finding that the developer tried but did not comply, so long as the finding was substantiated by a finding that it was detrimental and not in accordance with those standards. Commissioner Brammer went on to say that so long as a court, or reviewing body, could find that they were not arbitrary or capricious findings, then the city would be within its rights. He said that the land owner or developer also had those rights to abide by the same rules.

Discussion ensued regarding the amount of discretion the code would allow and the interpretation of the language in the Utah State Code. The Planning Commission discussed the intent of the law.

Mr. Jansen reviewed the proposed amendment of Section 4-105.

DRAFT

1 Commissioner Brammer referred to paragraph 6 and wondered what was considered to be
2 "intensity and character". Mr. Jansen said that it needed to be defined, but that they were fairly
3 common terms. He said intensity could be dwelling units, height, size of building, or other
4 things. He explained that he reviewed ordinances from other cities in order to craft the proposed
5 amendment and that he also consulted with the League of Cities and Towns and the Utah
6 Ombudsman. He talked about the process of creating the draft.

7
8 Commissioner Heyrend wondered if the new ordinance was supposed to be a complete list or if
9 there could be a clause. He thought if it had to list things item by item there was a good chance
10 something would be missed. He thought there should be some sort of clause that would allow a
11 conditional use item to be refused. Mr. Jansen explained that he originally had "including but not
12 limited to" at the top, but it was suggested that it be taken out. He said he could revisit the
13 conversation again. He also mentioned that it might need something regarding the potential of a
14 denial.

15
16 Commissioner Brammer voiced concern with having to list everything and the ambiguity that
17 was introduced by some of the language like "character, intensity, or construction". He thought
18 that if the amendment was ambiguous, then it defeated the purpose of trying to comply with the
19 statute.

20
21 Chairman Kemp asked for additional comment.

22
23 **MOTION:** Commissioner Brammer moved to continue the discussion to the next meeting.
24 Commissioner Rock seconded the motion. All were in favor. The motion carried unanimously.

25
26
27 **2. TA-16-02**
28 *Highland City Council is requesting to amend Article 4.7 Town Center Overlay of the*
29 *Highland city Development Code to remove residential uses.*

30
31 Chairman Kemp opened the public hearing by consent at 7:47 PM.

32
33 Mr. Crane reviewed the proposed amendment of removing residential uses from the Town
34 Center. He talked about the remaining development in the Town Center Overlay District. He
35 explained that if a developer wanted to have residential he would have to amend the zoning
36 ordinance. He said commercial development would be the only intended use.

37
38 Chairman Kemp asked for public comment.

39
40 Rob Gulbrandsen said he was asked to express some thoughts on behalf of property owner
41 Marsha Gustafson. He said he was not the intended developer for the property, just a close
42 friend. Mr. Gulbrandsen wondered what the intent of her property was. He said that through the
43 course of development, the permitted use for the area had been squandered. Mr. Gulbrandson

DRAFT

1 explained that Ms. Gustafson began negotiations with a developer about a year ago for senior
2 rental units that would include a library component for the city. He understood that the
3 residential restriction would not eliminate the potential, that it would just be a conditional use or
4 a request with more discretion. He said the City Council agreed to include Ms. Gustafson in all
5 discussions as it moved forward. He said Ms. Gustafson had not been aware of any work
6 sessions and had not been invited. She wondered what the city hoped to accomplish with her
7 property. He said the city needed to come back with the conversations and take time for her to
8 hear what the vision of the city was. He encouraged the city to be a little more communicative
9 with her.

10
11 Mr. Crane said the city met with Ms. Gustafson and her representative and that he had been
12 communicating with her representative. He mentioned that the area had almost reach the
13 maximum limit of residential units and explained that any application with residential or senior
14 living would have to go through a legislative process.

15
16 Chairman Kemp pointed out that the legislative process would give the city a way to protect the
17 citizens. Mr. Crane added that with only 14 units available, it would have to go through the same
18 process to increase the units. Chairman Kemp saw the amendment as protecting future business
19 owners and being able to review all projects coming to the City Center in order to ensure it was
20 good for property owners and citizens.

21
22 Mr. Gulbrandsen asked that there be an open dialog moving forward and that the property
23 owner's input was received.

24
25 Commissioner Brammer mentioned that the Planning Commission voted against a recent high
26 density project both times it came before them. He said the Council decided to go a different
27 direction with it. He thought the statute appeared to be taking away the possibility of 14
28 residential units and a senior living development that seemed to be desirable. He thought that the
29 city was not only failing to signal what it wanted, but taking away the most likely possibility of
30 what the city could get. He did not think the amendment would accomplish anything.

31
32 Chairman Kemp said because there were only 14 units, developers would have to come back to
33 the city to increase the number of units available. He thought it would protect the city from other
34 high density developments. He thought it gave the city added protection.

35
36 Mr. Gulbrandsen said that removing the option of 14 units seemed to put up a closed door that
37 otherwise could be negotiated. He thought it made the statement that all residential units were
38 eliminated.

39
40 Mr. Crane explained that eliminating the possibility of additional residential units was the intent
41 of the Council.

42
43 Chairman Kemp closed the public hearing by consent at 8:04 PM.

DRAFT

1
2 **MOTION:** Commissioner Rock moved that the Planning Commission accept the finding and
3 recommend approval of the text amendment as recommended by staff. Commissioner Heyrend
4 seconded the motion. Commission Chair Kemp, Commissioner Carruth, Commissioner Day,
5 Commissioner Heyrend, and Commissioner Rock were in favor. Commissioner Brammer and
6 Commissioner Ostler were opposed. The motion carried with two opposed.
7
8

9 **3. PP-15-04**

10 *A request by Rob Gulbrandsen for preliminary plat approval of a 61 single-family*
11 *residential subdivision. The property is approximately 36.61 acres in size and is located*
12 *at the northeast corner of Highland Boulevard and 11800 North.*
13

14 Chair Kemp opened the public hearing at 8:05 PM.
15

16 Mr. Crane reviewed the details of the proposed preliminary plat. He talked about the email from
17 Mr. Holladay and said the city engineer would review his drainage concerns as mentioned in the
18 open session. He said grading issues would be addressed by the engineer.
19

20 Upon request, Mr. Gulbrandsen talked about the proposed development. He talked about the
21 history of the area and the drainage of the neighboring property. He said the natural topography
22 of his property was slightly higher than the level of Sky Estate backyards. He understood a
23 drainage system was put in and connected to the drainage pond to the east of those homes. He
24 said he identified the concern in previous hearings. He said Sky Estate walk-outs were lower
25 than the natural grade of Mr. Gulbrandsen's property. He explained that dirt had been put on the
26 property that would be used mostly for the southeast corner. He said they were happy to clean it
27 up or control it better if needed. He did not think there was a drainage issue and explained that
28 the design for the road on the south was 8 - 12 feet lower. He said they would match the existing
29 grade coming out of the subdivision. He said they were aware of it during the design stage and it
30 had been planned for. He explained that the fill dirt was not permanent.
31

32 Commissioner Ostler asked about the drainage of each lot. He was concerned that water would
33 drain onto neighboring lots. Mr. Gulbrandsen said the city's building official would check the
34 grading for each lot. He said he expected the level of the homes built behind to be a minimum of
35 5 feet below the neighboring area. He said they would remove berms put up against the property
36 lines because it could cause a back drainage. He said they would leave the top of foundation
37 lower as part of grading. He said they understood the concern and had the same concern because
38 the other backyards were dug below the natural grade.
39

40 Mr. Gulbrandsen talked about the review process up to this point and talked about the changes to
41 the application. He talked about the proposed HOA (homeowner's association) and the desire to
42 maintain the open space at a higher standard. He said they wanted to landscape and maintain the

DRAFT

1 two city parcels plus the entire parkway areas along 11800 North and Highland Boulevard. He
2 talked about the proposed landscape plan.

3
4 Commissioner Rock wondered if some kind of wall on the north would help with water. Mr.
5 Gulbrandsen said it would not. He committed that the water would not be an issue and any
6 temporary issue would be removed immediately.

7
8 The Commissioners and applicant discussed drainage, landscaping maintenance, and road
9 maintenance.

10
11 Chairman Kemp asked for public comment.

12
13 Mr. Blaine Sorenson said he felt better after hearing Mr. Gulbrandsen, but still had concerns with
14 drainage and flooding. He talked about the amount of dirt that had been put on the property. He
15 talked about a neighbor's basement flooding in the past. He asked for clarification that the issues
16 of drainage would be addressed. Mr. Gulbrandsen said that it would be. Mr. Sorenson voiced
17 concern that the city ensure the drainage be correctly mitigated. He voiced concern with the
18 entrance off of Highland Boulevard. He was worried that there would be more accidents and
19 suggested that Highland Oaks Drive was moved. He said privacy was an issue and asked the
20 developer to consider installing a fence between the developments. He talked about his view that
21 would be impacted. He said he was not opposed to the development, but thought there were
22 things that could make it better.

23
24 Mr. Ryan Lilyenquist said his property bordered the easement with the potential pathway. He
25 explained that he landscaped and maintained the proposed easement property by his house. He
26 hoped that the property and landscaping would be repaired by the developer after the pipe was
27 installed to connect to the water system. Mr. Lilyenquist voiced concern that the trail between
28 the developments served no purpose. He wondered if the 2 acres owned by the city, east of his
29 house, could be improved to a park. He talked about the weeds on the 2 acres and him spending
30 personal time and money to control the weeds. He thought his neighbors would help improve the
31 property and talked about the open space fee that he and his neighbors paid every month. He was
32 in favor of the PUD portion of the development and talked about home values going up. He did
33 not think the city needed to worry about the HOA not keeping up the landscaping.

34
35 Ms. Natalie Ball said kids going to Ridgeline Elementary would have a safer route on the
36 proposed trail rather than walking on 11800 North and talked about her son's experience in the
37 cross walk. She appreciated that Mr. Gulbrandsen tried to keep the density at a minimum. She
38 also appreciated the width of the streets. She agreed with previous comments regarding green
39 space and drainage.

40
41 Ms. Tonya Colledge said she lived south of the retention pond and appreciated that it was
42 expanded, although she was concerned that it was still not big enough. She talked about her
43 concern with flooding. She said they had asked to pipe it on the south at their expense, but were

DRAFT

1 told no by the city. She talked about drainage issues her neighbors had had in the past and voiced
2 concern about water that could be drained onto her property. Chairman Kemp wondered when
3 they asked about piping. Ms. Colledge estimated that they talked to the city 6 months ago and
4 felt like they were repeatedly told no. She mentioned that they were consulting with an attorney
5 in order to understand the issue. She talked about the culvert that ran through the back of her
6 property.

7
8 The commission discussed the retention pond, water on the roads, and civil engineer
9 responsibilities. Chairman Kemp said the drainage and water issues would be left in the hands of
10 the engineers.

11
12 Mr. Gulbrandsen understood that Sky Estates was designed for a 10 year event. He said the city
13 engineers told him he needed to plan for a 100 year event. He said Ms. Colledge had erosion due
14 to water that came from the north, but he did not anticipate his development adding to it in any
15 way. He said she might still have the problem, but that his development would not exacerbate it.
16 He talked about the design of the retention pond.

17
18 Chairman Kemp asked about a traffic study. Mr. Gulbrandsen said a traffic study was submitted
19 as part of the zoning. He said it was determined that their flows would not increase traffic to the
20 point of requiring new improvements.

21
22 Chairman Kemp asked about fencing standards. Mr. Gulbrandsen explained that they were
23 promoting an open community. He said solid fencing could not be over 4 feet high, but open rail
24 fences could be 3 to 6 feet high. He said he wanted the landscaping to be the buffer. He said they
25 were committed to ensure the property was landscaped to the back property line.

26
27 Chairman Kemp asked about the 2 acres referred to by Mr. Lilyenquist. Mr. Crane explained that
28 it was city property because of the drainage that went underneath it. He thought the city would be
29 open to the idea of converting it into a park if money was available. Upon request, Mr.
30 Lilyenquist talked about the size of the area and thought there was an intent to develop the
31 property. He estimated that he and the community could install sprinklers and grass for \$5,000
32 per acre. Chairman Kemp encouraged him to talk to the city about doing it themselves. He
33 thought it would benefit the city if something could be worked out.

34
35 Chairman Kemp asked for additional comments. Hearing none, he closed the public hearing by
36 consent at 9:06 pm.

37
38 Commissioner Brammer thought the HOA was a benefit. Chairman Kemp agreed.

39
40 Commissioner Heyrend wondered what the city traffic study showed. Mr. Crane explained that
41 the study was for the intersection, not the impact of the development. He mentioned that the
42 speed limit south of 11800 North was recently reduced. He explained that there was a question
43 about jurisdiction on the north and they could not reduce the speed on a County road. He talked

DRAFT

1 about an operational safety report that was done and said it was determined that a roundabout
2 was not appropriate at that location. Mr. Crane explained that the study was a volume study for
3 the roads and took into account the 60 lots of the subdivision. Commissioner Heyrend voiced
4 concern with speeds and access off of Highland Boulevard.
5

6 Discussion ensued regarding a possible stop light, reducing speed limits, increased law
7 enforcement in the area, and possibly prohibited access to Highland Boulevard. Mr. Crane
8 explained that the intersection did not meet warrants for a stoplight. He said that there had not
9 yet been capital planning for a light, although a lot of other things had been done to the
10 intersection.
11

12 **MOTION:** Commissioner Day moved to accept the findings and approve the preliminary plat of
13 Highland Oaks subject to the following 7 stipulations recommended by staff:

- 14 1. The final plat shall be in substantial conformance with the preliminary plat dated January
15 22, 2015.
- 16 2. Final civil engineering plans to be reviewed and approved by the City Engineer.
- 17 3. Prospective homebuyers shall be informed by an affidavit of the proximity of agricultural
18 uses.
- 19 4. Written approval from Rocky Mountain power is required for the landscape plan prior to
20 approval of the final civil construction plans.
- 21 5. Add a note to the final plat regarding Rocky Mountain Power easement restrictions for lots
22 with the power line easement.
- 23 6. The conservation easement shall be recorded with the final plat.
- 24 7. All required public improvements shall be installed as per City Engineer's approval.

25 Commissioner Brammer seconded the motion. Commission Chair Kemp, Commissioner
26 Brammer, Commissioner Carruth, Commissioner Day, Commissioner Ostler, and Commissioner
27 Rock were in favor. Commissioner Heyrend was opposed. The motion carried with one opposed.
28
29

30 **OTHER BUSINESS**

31 32 4. Approval of Planning Commission meeting calendar for 2016

33
34 The Planning Commission reviewed the proposed 2016 meeting schedule.
35

36 **MOTION:** Commissioner Brammer moved to approve the 2016 Planning Commission Meeting
37 Schedule. Commissioner Carruth seconded the motion. All were in favor. The motion carried
38 unanimously.
39
40

DRAFT

1 **APPROVAL OF MINUTES**

2
3 **5. Approval of November 24, 2015 meeting minutes**

4
5 **MOTION:** Commissioner Brammer moved to approve the minutes from November 24, 2015 as
6 written. Commissioner Heyrend seconded the motion. All were in favor. The motion carried
7 unanimously.
8

9
10 **PLANNING STAFF REPORT**

11
12 Mr. Crane introduced new Planning Coordinator JoAnn Scott.
13

14
15 **COMMISSION COMMENTS AND SUGGESTIONS**

16 The Planning Commission members thanked Commissioner Heyrend for his service on the
17 Planning Commission.
18

19
20 **ADJOURNMENT**

21
22 **MOTION:** Commissioner Rock moved to adjourn the meeting. Commissioner Carruth seconded
23 the motion. All present were in favor. The motion carried.
24

25 The meeting was adjourned at 9:26 PM.

DRAFT

Highland City Planning Commission February 23, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:00 PM on February 23, 2016. An invocation was offered by Commissioner Ostler and those assembled were led in the Pledge of Allegiance by Commissioner Day.

PRESENT: Commission Chair: Christopher Kemp
Commissioner: Brady Brammer
Commissioner: Ron Campbell
Commissioner: Abe Day
Commissioner: Kurt Ostler

EXCUSED: Commissioner: Sherry Carruth
Commissioner: Steve Rock

STAFF PRESENT: Community Development Director: Nathan Crane
City Recorder: JoD'Ann Bates
City Engineer: Todd Trane
Planning Commission Secretary: Heather White

OTHERS:

6. Oath of Office - Chris Kemp (Kurt Ostler and Ron Campbell)

Ms. Bates performed the swearing in of Kurt Ostler and Ron Campbell.

PUBLIC APPEARANCES

Chair Kemp asked for public comment. Resident Rob Clauson said he was very impressed with the efficiency of the city's snow removal services, even on Christmas day.

PUBLIC HEARING ITEMS

1. TA-15-04

Highland City Council is requesting to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits.

Chair Kemp opened the public hearing for TA-15-04 by consent at 7:08 PM. Mr. Crane requested that the item be withdrawn at this time.

DRAFT

1 **2. Z-14-01**

2 *Holdman Annexation - Ross Wolfley is requesting the rezoning of 7.25 acres from an*
3 *R1-40 to R1-20 upon annexation. Property is located at approximately 11550 North*
4 *6000 West.*

5
6 Chair Kemp opened the public hearing by consent at 7:09 PM.

7
8 Mr. Crane reviewed the differences between the R-1-20 and R-1-40 districts and how lot sizes
9 were calculated in each district. He talked about locations of each district within the city and the
10 history of R-1-20 zoning. He said when the general plan was updated in 2008 there was strong
11 support for low density residential. He talked about the goals and policies of the General Plan.
12 Mr. Crane explained that the R-1-20 Zone was not used very much for new or large
13 developments throughout the city. He mentioned that in a 2016 community survey large lots
14 were the second most popular reason for living in Highland. He said only 7% of residents who
15 took the survey supported changes to support smaller lots. He talked about the fiscal impact and
16 infrastructure impact of R-1-20 and said that the city would most likely accelerate the need for
17 capital improvements if R-1-20 became a regularly used district. Mr. Crane explained that
18 Highland was developed as a large lot community since 1977 and that R-1-20 was not intended
19 to be used as an everyday district. He asked the Commissioners to consider the following
20 questions: Is the R-1-20 District consistent with the goals and objectives of the General Plan? Is
21 the proposed zoning in the best short- and long-term interest of the city? Is there an alternative
22 district that should be considered? Is the R-1-20 district the appropriate district for the site? What
23 impact will there be on future development if R-1-20 is approved at this location?

24
25 Mr. Crane reviewed the details of the application and the request for several waivers from the
26 development code and public improvements design criteria. He said there was a letter of
27 opposition received by the city requesting a stub to the east. He explained that staff was in
28 support of the annexation, but not the request for waivers.

29
30 Chair Kemp asked for public comment.

31
32 Property Owner Tom Holdman said he had owned the property for 2 1/2 years and had been
33 trying to figure out the best way to handle it. He had been in Highland for 15 years and wanted to
34 stay in Highland. He was looking for a lot that he could build a house on, but the property he
35 found was 8 acres. He purchased the property with the intent to build his house at the end of the
36 street. He asked his engineer to explained the details of the application.

37
38 Engineer Ed Gifford mentioned that the Zoning Map in the 2008 General Plan showed R-1-20
39 and R-1-40 as low density residential. He thought R-1-20 had a negative connotation and that
40 there was not much difference between the districts. He showed R-1-20 districts in different
41 areas and said the density was generally 1.3-1.5 lots per acre. He then showed R-1-40 districts
42 and said the average density in the zone was 1.5-1.6 lots per acre. He explained that Mr.
43 Holdman's property was challenging to develop, but they believed they had a quality
44 development with R-1-20 zoning. Mr. Gifford thought the R-1-20 district was better for animal
45 rights because it was more restrictive. He also thought 3 homes in the R-1-20 district would use
46 less water than 2 homes in the R-1-40 district. Mr. Gifford addressed some of the engineering
47 issues related to the requested waivers. He talked about storm water drainage, utilities, and

DRAFT

1 elevation of the property. He thought they could design something that would mitigate flooding
2 impact to the neighbors. He talked about the proposed street for the development and said a
3 stubbed to the east would not correct the traffic circulation issues.
4

5 Additionally, Ross Wolfley discussed points the developer opposed in the staff report. He said it
6 was implied that the General Plan supported an R-1-40 zone over an R-1-20. He thought that was
7 not the case and referred to the Low Density Residential and High Density Residential
8 definitions. He said both zones were defined as low density residential within the General Plan
9 and the 1/2 - 1 acre lot residential category was the most prevalent in Highland City. He read
10 Section 3-4201 of the Highland City Development Code about the reasons for using the R-1-20
11 zone. He said the R-1-20 Zone was clearly used within the city. He said any increase in density
12 would have an impact on water and sewer lines. He disagreed with staff's conclusion that using
13 the R-1-20 zone would be a fundamental shift in policy because there were other lots that ranged
14 from 1/2 to 1 acre in size. He mentioned that he participated in the recent city survey and
15 disagreed with staff's definition of "large lot". Referring to page 6-77 of the findings of the
16 survey for the 2008 General Plan update, Mr. Wolfley said 80% preferred 1/2 acre lots. He said
17 Map 2.3 indicated low density in the vicinity of Mr. Holdman's property and included the R-1-20
18 zone.
19

20 Commissioner Brammer wondered if the applicant was willing to post a bond for the storm drain
21 issues. Mr. Holdman said he wanted to do whatever the city felt comfortable with for the
22 development.
23

24 Commission Chair Kemp asked for public comment.
25

26 Resident Diana Pitcher represented Shauna Larson, Highland Arts Council President. She said
27 Mr. Holdman was an owner and artist in the Holdman Studios at Thanksgiving Point. She
28 thought Mr. Holdman would be an influence that would be wonderful for the community and
29 that he would be of great value in bringing art to Highland. Ms. Pitcher said Ms. Larson was
30 totally behind the development.
31

32 Kevin Birrel, adjacent property owner to the north and east of the proposed development,
33 reviewed the history of development around him. He was against the request for the cul-de-sac.
34 He said his annexation had yet to be determined and both cities had wanted it in the past. Mr.
35 Birrell said he had 53 acres that needed to be considered and that drainage was a problem
36 because part of the drainage flowed southwest to the Holdman property. He said Exhibit C -
37 Traffic Circulation Concept showed a horribly inefficient design for his property. He talked
38 about the inadequacy of the road. He mentioned that Mr. Holdman was already a Highland City
39 resident. He said many of the developments referred to by Mr. Gifford had common areas and
40 significant parks that factored into their overall density. He said if the R-1-20 was permitted he
41 would also seek R-1-20 or higher for his property in the future. He thought Mr. Holdman should
42 have done his research and due diligence before purchasing the property. Mr. Birrel said he did
43 not have any input in their concept plan for the development and found the plans for himself and
44 the Mendenhall's folly. He encouraged the city to do additional research and meet with both
45 adjacent property owners. Based on past experience, he suggested that plats be stamped that
46 there was an agricultural farm in the area.
47

DRAFT

1 Commissioner Ostler said he had problems with the proposed cul-de-sac and wondered if the
2 Holdman's talked to Mr. Birrell about access. Mr. Birrell said he had not seen anything for over a
3 year. He invited the Planning Commissioners to do a walk through of his property.

4
5 Resident David Whitlock said the neighborhood was concerned about property values if smaller
6 lots were permitted. He was in favor of keeping the R-1-40 zone in order to maintain property
7 values. He said most of the R-1-20 approvals were before the 2008 General Plan. He said they
8 were very concerned that if approved, more R-1-20 would come to the east and the north.

9
10 Commissioner Ostler asked about the possibility of connecting to 11500 North. Mr. Whitlock
11 explained that it was a smaller private road that was maintained by residents. He said additional
12 traffic was a concern.

13
14 Commissioner Day wondered what the average size lot was in their subdivision. Mr. Whitlock
15 estimated that the average lot was 3/4 acre with very deep lots.

16
17 Resident Neal Westwood agreed with Mr. Whitlock and said they were concerned with property
18 values and additional R-1-20 coming to the area.

19
20 Resident Stephan Harlen voiced concern with traffic and where Mr. Birrell would gain future
21 access for his property. He preferred the waiver with the cul-de-sac rather than a through street to
22 6000 West. He thought Mr. Holdman would be a great neighbor and talked in favor of Mr.
23 Gifford's presentation.

24
25 Resident Steven Swalberg said he had no opposition to the proposed plan.

26
27 Chair Kemp asked for additional comments. None were given. The Planning Commission
28 discussed the proposed plan.

29
30 Commissioner Day preferred to protect large lots in Highland. He voiced concern with future
31 traffic. He was concerned about the precedent that might be set by approving R-1-20.

32
33 Commissioner Campbell did not see R-1-20 as a negative, but thought the intent of the R-1-20
34 zone was to be restrictive and have limited use. He voiced concern regarding the amount of
35 requested waivers. He said he needed more time to review the General Plan and the application.

36
37 Commissioner Brammer voiced concern as set forth in Development Code 7-102(2)(c) relating
38 to annexations. He talked about the annexation and said it was somewhat of a variance from the
39 existing use surrounding the property and from the existing R-1-40 that the General Plan seemed
40 to prefer. He said the request to rezone the property seemed inconsistent with the General Plan.

41
42 Commissioner Ostler thought the cul-de-sac was too deep. He thought there were fire and
43 drainage issues. He thought the request was not consistent with the General Plan and was in
44 favor of keeping the property R-1-40. He suggested working with property owners for access.

45
46 Chair Kemp said he generally agreed with the commissioners' comments. He closed the public
47 hearing by consent at 8:25 PM and called for a motion.

DRAFT

1
2 **MOTION:** Commissioner Brammer move to disapprove the annexation as stated with the R-1-
3 20 designation. Commissioner Ostler seconded the motion. All present were in favor. The
4 motion carried with two absent.
5

6
7 **3. GP-16-01**

8 *Edge Homes is requesting an amendment the Land Use designation of the General*
9 *Plan from 'School' to Single Family Residential'. Property is located at 9725 North*
10 *6800 West*

11 *And*

12 **4. Z-16-01**

13 *Edge Homes has requested a rezoning of property located at 9725 North 6800 West*
14 *from an R-1-40 to an R-1-20 zone.*
15

16 Chair Kemp opened the public hearing by consent at 8:26 PM. Mr. Crane reviewed the details of
17 the applications.
18

19 Mr. Steve Maddox explained that the property was under contract with the school district. He
20 talked about the surrounding area and the zoning of adjacent property. He discussed his plan for
21 the subdivision. He talked about other developments that he had done and said his intent was to
22 enhance and bring value to the area.
23

24 Commission Chair Kemp asked for public comments.
25

26 Mr. Gary Cooper said he owned adjacent property. He voiced concern about the school property
27 and said he was told there would be a roadway on the south. He talked about a 23 foot boundary
28 line discrepancy with the church property and was worried that the people on the south could not
29 be helped with a road. Mr. Cooper was concerned that Mr. Maddox did not sit down and make
30 the development work with the neighbors. He was concerned with not having control on the
31 quality homes and talked about the homes in the vicinity. He talked about the lack of
32 communication from Mr. Maddox. Mr. Cooper talked more about his developments. He said he
33 wanted quality homes.
34

35 City Engineer Todd Trane explained that the city first asked developers to contact the
36 neighboring properties to make sure that they didn't need access. He said letters from
37 surrounding property owners were required by the city going forward, but not for conceptual
38 plans.
39

40 Mr. Maddox explained that it was landlocked property. He said he had access from the north,
41 south, and east and connected the roads with existing services. He explained that services to the
42 west did not interconnect because it was Lehi City. He said he tried to work with the neighbors.
43 He thought it was difficult to compare the quality of different areas because they were not the
44 same communities.
45

46 Resident Cole Peck said he did not have a problem with Edge Homes, but wanted to ensure that
47 nice homes were built. He was fine with the subdivision as long as quality homes were built and

DRAFT

1 the CCR's protected existing home values. He explained that he owned 3 acres south of Lot 11
2 and wanted to make it known that he was going to build a home below Lot 11 with a barn, a
3 truck shop and place for an RV that would be high, along with owning animals which increased
4 the possibility of flies. He did not want to have to fight new neighbors. He mentioned that the
5 property line did have a problem and asked that it be worked out. He did not want to loose
6 property to the church, the school or anyone else. He asked about the fencing planned for the east
7 side and said he wanted to have his property rights protected. He had no preference between R-1-
8 20 or R-1-40. He said he did not love the design of the subdivision, but wanted nice homes that
9 complemented other homes in the area. He opposed the subdivision only because he wanted to
10 protect his property rights. Mr. Peck mentioned that Mr. Maddox did contacted him to discuss a
11 potential road through his property.

12
13 Scott Larsen said he represented his mother-in-law who lived on 6800 West. He said he had been
14 a developer in Highland and other Cities. He voiced concern that the road did not have curb or
15 sidewalk. He explained that last Spring the subdivision to the north drained water into her
16 backyard. He said the city did not really do anything about it. He talked about the subdivisions to
17 the north and south of his mother-in-law's property and explained that there were no retention
18 basins. He said a lot of the area was hardscaped and that her property was an island that the
19 subdivisions drained on to. He said the proposed subdivision would cause additional problems
20 and asked that it not be allowed to be developed until the drainage problem was addressed. He
21 said they were not in favor of the R-1-20 District.

22
23 Mr. Trane explained that the city was aware of the problem. He said the city did an alignment
24 along 6800 West and provided it to Edge Homes. He said it would meander and in front of her
25 lot and would match the west side alignment. Mr. Trane said they would not match the church's
26 alignment through the parcel. He said the development on the west would not impact Mr.
27 Larsen's mother-in-law's property and the cost and burden of installing curb and gutter on the
28 south could not be placed on Edge Homes, although the city council could decide to spend city
29 money to install curb and gutter.

30
31 Resident Scott Austin said his property was southwest of Lot 11. He voiced concern with getting
32 complaints because he owned horses. He understood there would be a road to access the back of
33 his property from 9600 North. He explained that he did not want access right now, but might
34 want it in the future. Mr. Austin proposed an access straight through to Mr. Peck's property and
35 said he wanted to keep the value of being able to have access.

36
37 Resident Mardell Cheney said he lived west of Mr. Austin and was the last lot in Highland. He
38 said there was a chance he will want to develop part of his property in the future and would need
39 access. He expressed concern that his lot would be landlocked and talked about possible routes
40 for access to his property. Mr. Cheney had a concern with the right side of the proposed property
41 and wanted to make sure the road would be widened. He suggested building a road straight
42 across by the church to give access to other lots. He was not concerned about the specific zoning,
43 but wanted to ensure that nice homes would be built.

44
45 Lehi Resident Terry Jasper explained that he recently moved for animal rights. He voiced
46 concern with kids potentially touching his electric fence. He wanted to ensure nice homes were
47 built and did not want to lose his animal rights.

DRAFT

1
2 Resident Ben Fietkau pointed out where he lived and said he did not need access from the north.
3 The Planning Commission discussed how he would access the property.

4
5 Chair Kemp asked for additional comments. Hearing none, he closed the public hearing by
6 consent at 9:18 PM. He asked for additional discussion from the commissioners.

7
8 Commissioner Day preferred to keep the property zoned R-1-40.

9
10 Commissioner Campbell thought R-1-20 might be appropriate as a buffer, but was not in support
11 of the current proposal.

12
13 Commissioner Brammer pointed out that the area was against the edge of the city with lower
14 densities around the property as well as higher densities. He cited Development Code 3-4201 and
15 said it provided the criteria for a switch to R-1-20. He pointed out that neighbors on the south
16 were not concerned with R-1-20, but they were concerned with animal rights. He said it seemed
17 to fit fairly congruently with the purposes of changing to R-1-20 and was generally in favor of
18 the request.

19
20 Commissioner Ostler talked about the surrounding development. He explained that smaller lots
21 around the property were in a different city and out of Highland's control. He was in favor of
22 keeping R-1-40 because surrounding lots in Highland were also R-1-40.

23
24 Chair Kemp explained that the city could not completely dictate what was built by developers.
25 He was in favor of keeping R-1-40 because the property was surrounded by larger lots.

26
27 Mr. Maddox asked to withdrawal his request to rezone to residential if R-1-20 was not approved.
28 Instead he would keep it as the current school zone. He said he currently lived in the R-1-40 zone
29 and had more complaints about horse from neighbors. He thought R-1-40 was more of a
30 swimming pool and detached garage zone rather than an animal rights zone. He explained that he
31 was essentially R-1-30, but the zoning did not exist. When asked, he said he was amenable to
32 increasing the lot sizes of the 4 lots on the south to create more of a transition. He talked about
33 concerns with property values and said he envisioned a great community, but did not think it was
34 driven by million dollar houses.

35
36 Discussion ensued regarding acreage, density, and the possibility of creating more of a buffer
37 with larger lots on the south. Mr. Maddox suggested capping the number of lots in the
38 subdivision. Commissioner Campbell thought the subdivision fit the intent of the R-1-20 zone.
39 The Commission talked about the lots and surrounding area. They discussed access to the
40 property. Mr. Maddox pointed out that the property left as a school zone would allow for 2,500
41 students and associated traffic.

42
43 **MOTION:** Commissioner Brammer move to approve the amendment and rezone to R-1-20 on
44 the basis of Development Code 3-4201, specifically that R-1-20 was intended to create
45 transitional areas on the periphery of the city between higher density zones in adjacent cities and
46 Highland's lower density zones. Commissioner Campbell seconded the motion. Commission
47 Chair Kemp, Commissioner Campbell, and Commissioner Brammer were in favor of the motion.

DRAFT

1 Commissioner Day and Commissioner Ostler were opposed. Motion failed due to insufficient
2 votes from a quorum.

3
4 Commission Chair Kemp said the only reason he voted in favor was because it was a transition
5 property on the edge of the city. He did not want to set a precedent for anyone requesting the R-
6 1-20 zone.

7
8 **MOTION:** Commissioner Brammer asked to withdraw his previous motion due to insufficient
9 votes from a quorum and moved to continue Business Item Z-16-01 to the next meeting when
10 more members would be present. Commissioner Campbell seconded the motion. All present
11 were in favor. None were opposed. The motion carried with two absent.

12
13 **MOTION:** Commissioner Brammer moved to similarly continue Business Item GP-16-01 to the
14 next meeting. All present were in favor. None were opposed. The motion carried with two
15 absent.

16 17 18 **OTHER BUSINESS**

19 20 5. Conditional Use Permit training - Brent Bateman from the Utah State Office of 21 Property Rights Ombudsman

22
23 Brent Bateman and the Planning Commissioners discussed the purpose and regulations of the
24 conditional use statutes.

25 26 27 7. Planning Commission Vice Chair Elections

28
29 **MOTION:** Commission Chair Kemp nominated Commissioner Brammer to serve as the
30 Planning Commission Vice Chair. Commissioner Day seconded the motion. All present were in
31 favor. None were opposed. The motion carried with two absent.

32 33 34 **APPROVAL OF MINUTES**

35 None.

36 37 38 **PLANNING STAFF REPORT**

39 None.

40 41 42 **COMMISSION COMMENTS AND SUGGESTIONS**

43 None.

44 45 46 **ADJOURNMENT**

DRAFT

1 **MOTION:** Commissioner Ostler moved to adjourn the meeting. Commissioner Brammer
2 seconded the motion. All present were in favor. The motion carried.

3

4 The meeting was adjourned at 10:19 PM.

5