

1 **Highland City Planning Commission**
2 **April 22, 2014**

3
4 The regular meeting of the Highland City Planning Commission was called to order by Planning
5 Commission Chair, Christopher Kemp, at 7:03 p.m. on April 22, 2014. An invocation was
6 offered by Commissioner Abe Day and those assembled were led in the Pledge of Allegiance by
7 Commissioner Tim Heyrend.

8
9 **PRESENT:** Commissioner: Christopher Kemp
10 Commissioner: Brady Brammer
11 Commissioner: Steve Rock
12 Commissioner: Tim Heyrend
13 Commissioner: Abe Day

14
15 **EXCUSED:** Commissioner: Scott Temby
16 Commissioner: Sherry Carruth

17
18 **STAFF PRESENT:** Community Development Director: Nathan Crane
19 Secretary: Heather White

20
21
22 **OTHERS:** Cliff Johnson, Ken Watson, Kathy Hoffman, Dexter Hoopes,
23 Brett Palmer, DeLynn Rodeback, David Clegg, Amber Clegg,
24 Pat Robinson, Brian Robinson

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27 **COMMISSION COMMENTS**

28
29 Chair Kemp welcomed Heather White, new Planning Commission Secretary. He recognized Mr.
30 Jay Roundy and his service on the Planning Commission from 2010 - 2014. He thanked Mr.
31 Roundy for his valuable service and presented him with his badge and plaque.

32
33 Mr. Roundy thanked the members of the Planning Commission. He said it was a privilege to
34 serve with them, sit on the Planning Commission, read the reports, and see how everything came
35 together. He thanked Mr. Nathan Crane for his professional guidance. He told of a personal
36 experience which helped him realized that the recommendations made in the Planning
37 Commission were made for the city. He said he was proud to serve with each commissioner.

38
39 Chair Kemp announced the Community Open House on May 8th from 5:00 PM to 8:00 PM and
40 encouraged those present to attend.

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43 **PUBLIC APPEARANCES**

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2 Chair Kemp asked for public comment. None was given.
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5 **PUBLIC HEARING ITEMS**
6

- 7 1. **CU-14-01:** *Rocky Mountain Power (RMP) is requesting a Conditional Use Permit (CUP)*
8 *to upgrade the power lines and power poles for the Highland to Lehi transmission line.*
9 *The upgrade will include new power lines and the replacement of 20 power poles. The*
10 *upgrade will occur on the south side of SR 92 (Timpanogos Highway) from 5600 West to*
11 *Highland Boulevard.*
12

13 Chair Kemp opened the public hearing for item CU-14-01 at 7:09 PM.
14

15 Mr. Crane reviewed background information and details concerning the Conditional Use Permit
16 application to upgrade an existing power line. He mentioned that the upgrade would add 21 poles
17 with new wood poles up to 64 feet in height. Mr. Crane reviewed the location of the upgrade. He
18 said staff would like to see coordination with irrigation companies and/or utility companies in the
19 right of way as well as coordination with UDOT (Utah Department of Transportation). He
20 explained that staff thought upgrading the existing transmission line corridor was better than
21 building an additional corridor in a different location. Mr. Crane said staff recommended
22 approval of the application.
23

24 Commissioner Heyrend wondered if the taller poles created an increased risk for the city if they
25 fell on a house or road. He wondered if the poles were designed to withstand the strong winds
26 that were occasionally in the area. He said the substation was an eyesore for the city and hoped
27 RMP would install a privatization fence or rock wall around the perimeter. Mr. Dexter Hoopes
28 with RMP explained that there was no increased risk for the city. He said that if a pole fell it
29 would most likely be held up by wires. He said if it did hit the ground it would trip the breaker
30 and de-energize the line. Mr. Hoopes said upgraded poles with wider bases were being used on
31 the project specifically to withstand higher winds. He mentioned that a fence or wall was not
32 included in the plans for the current upgrade.
33

34 Commissioner Rock wondered if the poles were metal or wood. Mr. Hoopes explained that two
35 poles next to the substation were steel as well as two others.
36

37 Commissioner Day wondered why overhead wires were used instead of in-ground wires. Mr.
38 Hoopes explained in-ground wires were very costly. He said RMP was obligated to serve with
39 attention to cost.
40

41 Discussion ensued regarding the use of each wire, power outages, and funding for the proposed
42 upgrade. Mr. Hoopes said the proposed project was not subsidized by local funds.
43

44 Chair Kemp asked for public comment. Hearing none, he closed the public hearing at 7:21 PM
45 and called for a motion.

1
2 **MOTION: Commissioner Tim Heyrend moved that the Planning Commission accept the**
3 **findings and recommend approval of Case CU-14-01 a request for conditional use permit**
4 **approval subject to the three stipulations recommended by staff:**

- 5 **1) The project shall be completed in substantial conformance with the project plan and**
6 **narrative date stamped April 17, 2014.**
- 7 **2) The applicant shall provide approval from the irrigation companies when the poles**
8 **are being replaced adjacent to irrigation pipes, ditches or facilities.**
- 9 **3) The applicant shall obtain the appropriate right-of-way permits from UDOT and**
10 **Highland City as applicable.**

11
12 **Commissioner Rock seconded the motion.**

13
14 Commissioner Brammer disclosed a slight conflict of interest, but thought it had no bearing on
15 his vote. He said the law firm that he worked for; Van Cott, Bagley, Cornwall & McCarthy; did
16 substantial work for RMP.

17
18 **All were in favor. The motion carried unanimously with two absent.**

- 19
20
21 **2. PP-14-01: Ivory Homes is requesting preliminary plat approval for a 44 lot single family**
22 **residential subdivision. All lots meet the minimum size requirements of the R-1-40 Zone.**
23 **The project is located at the southwest corner of Highland Boulevard and 11800 North.**
24

25 Chair Kemp opened the public hearing for item PP-14-01 at 7:23 PM.

26
27 Mr. Crane reviewed background information and details of the preliminary plat application. He
28 explained that the property was annexed in 2003 and that a preliminary plat approved in 2003
29 had since expired. Mr. Crane mentioned that a preliminary drainage plan had been provided
30 which would protect the site from offsite flows. He said measures were taken to protect the north
31 boundary of the property. He mentioned that Micron owned the property to the north of the site
32 and indicated their intent to annex the property into Lehi. Mr. Crane said they were trying to do
33 coordination on the development of 11800 North, which was planned to end at Highland
34 Boulevard. He explained that Micron had prepared a master plan showing the extension of 11800
35 North to the west of Highland Boulevard. In the event that 11800 North was extended to the
36 west, lots would need to be combined in order to allow for the road right of way as well as meet
37 the lot square footage requirement. Staff recommended approval of the application with seven
38 stipulations plus the increase of square footage to 30,000 on one lot.

39
40 Commissioner Rock wondered about the water and sewer hook ups for the subdivision. Ken
41 Watson with Ivory Development, Inc. said the water and sewer would come through TSSD
42 (Timpanogos Special Service District) along Highland Boulevard. He understood capacity was
43 not a problem.
44

1 Commissioner Brammer asked about the potential right of way on Lots 721 and 720. He
2 wondered how it would affect only two of the lots. Mr. Watson explained that Micron showed
3 that the potential road, 11800 North, did not line up with the Highland 11800 North. Mr. Watson
4 said he found out, after talking with Lehi City, that Lehi City had no intent to build the road. He
5 said the issue with the lots and the road would be addressed in the future. Mr. Crane added that
6 the objective was to identify the issue and address it on Phase 7.
7

8 Chair Kemp asked for public comment. Hearing none, he closed the public hearing at 7:35 PM.
9 He asked for additional comment or discussion from Planning Commission members.
10

11 Commissioner Heyrend wondered if the northern cul-de-sac was too close to the future 11800
12 North. He did not think it was a good design for safe ingress and egress if a collector road was
13 one lot away. He was not in favor of the design for the road and suggested that it line up with
14 Woods Hollow Lane. Mr. Crane explained that the traffic to the cul-de-sac would be local and
15 limited by right-in, right-out turning. He mentioned that the Highland Master Plan showed 11800
16 North ending at Highland Boulevard. Mr. Watson thought that if 11800 North was continued in
17 Lehi, it would not be directly north of his property. He said he liked to leave the plat as designed.
18 He mentioned that once they started Phase 7, in one or two years, there might be factors at that
19 time that would change the plat.
20

21 Commissioner Heyrend wondered if the subdivision could form an HOA (Home Owner's
22 Association) in order for them to take care of the detention pond adjacent to Lot 507 so the city
23 did not need to use city services for a small area. Mr. Watson explained that he was not
24 interested in an HOA in a single family residents. He explained that the landscaping in the
25 detention pond would blend with the landscaping on the boulevard.
26

27 Chair Kemp called for a motion.
28

29 **MOTION: Commissioner Rock moved that the Planning Commission accept the findings**
30 **and recommend approval of Case PP-14-01 a request for preliminary plat approval subject**
31 **to the seven stipulations recommended by staff:**

- 32 **1. The final plat shall be in substantial conformance with the preliminary plat date**
33 **stamped March 31, 2014.**
- 34 **2. Prior to approval of the final plat the applicant shall provide a letter from TSSD**
35 **regarding use of the sewer line in Highland Boulevard.**
- 36 **3. Final landscape plans shall be approved prior to recording the final plat.**
- 37 **4. The detention pond adjacent to Lot 507 shall be constructed and landscaped by the**
38 **developer and dedicated to the City. The landscape plan shall be approved by the**
39 **City prior to final plat recordation.**
- 40 **5. Lots 721 and 720 shall be combined if the lots are reduced for the future location of**
41 **11800 North. This issue shall be resolved prior to recordation of the final plat for**
42 **Phase 7.**

1 **6. All required public improvements shall be installed as required by the City**
2 **Engineer.**

3 **7. The civil construction plans shall meet all requirements as determined by the City**
4 **Engineer.**

5 **Commissioner Brammer seconded the motion. Commissioner Kemp, Commissioner**
6 **Brammer, Commissioner Day, and Commissioner Rock were in favor. Commissioner**
7 **Heyrend was opposed. The motion carried with one opposed and two absent.**

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10 3. **GP-14-01:** *The Highland City Council is requesting to amend the General Plan to*
11 *eliminate the parkway detail on the Alpine Highway from 9600 North to 9700 North*
12 *(Canal Boulevard).*

13
14 Chair Kemp opened the public hearing for item GP-14-01 at 7:45 PM.

15
16 Mr. Crane review background information concerning item GP-14-01 and said it was a request
17 by the Highland City Council to amend the General Plan to remove the requirement for the
18 Parkway Detail from 9700 North going south to the Highland boundary. He said the request was
19 to accommodate the Robinson Lane subdivision. Chair Kemp asked for additional comments.

20
21 Mr. David Clegg, representing the Robinson Lane subdivision, said his family was not trying to
22 get the Parkway detail waived in its entirety. Instead, they were hoping to reduce the Parkway
23 width from 30 feet to 15 feet to matched the width across the street. He hoped it would be a win-
24 win situation for the city and land owner. He thought 15 feet might be easier for the city to
25 maintain than 30 feet. He said it would also allow them to keep the lot sizes they hoped to
26 achieve. He said they would keep the same plans for landscaping, but work within the 15-foot
27 width. Mr. Clegg said they thought that since the property was on the city border it could be a
28 transition area and match what was across the street.

29
30 Mr. Crane explained that they would be using the existing UDOT right of way and that there
31 would be some trees, but not as much as what the Parkway detail required. He explained that the
32 American Fork detention pond was across the street and was not sure why they did not put in the
33 full Parkway landscaping detail.

34
35 Ms. Amber Clegg, representing the Robinson Lane subdivision, said they envisioned the curb
36 and gutter with a 2-foot sod strip with a 5-foot meandering sidewalk from 9600 North to 9700
37 North, then the remainder of the space would be sod with trees and a 6-foot fence, as stipulated
38 by Highland code.

39
40 Commissioner Heyrend addressed the environment of Highland. He said Highland was a good
41 city with expensive homes and nice parks. He said when driving into the city you get a feel of the
42 environment and entrances needed to look nice, especially corridor streets. Commissioner
43 Heyrend did not think it took anything away from the developer because they still had the
44 density they wanted with large lots. He thought having the 30-foot width created a much better
45 look for the area. He pointed out that the applicant's property was the first that was seen when

1 entering Highland. He thought the Planning Commission needed to decide what standards were
2 going to be upheld for the city. He said there were few entrances to Highland and thought the
3 main entrance was coming from American Fork. He wanted that entrance to look good by having
4 a nice park setting. He thought maintaining the 30-foot setback would improve the value of the
5 lots.

6
7 Ms. Clegg explained that they had 5.12 acres of property and Highland City was requiring them
8 to put in a full road, which was 56 feet. She said the development was a family community and
9 that they were not profiting from it. Ms. Clegg thought that they were giving up a great deal of
10 property when calculating the improvements for the existing lane, a 12-foot sidewalk, a road, and
11 a 30-foot easement for the Parkway. She thought it was a perfect transition area. She thought 15
12 feet was plenty of space and 30 feet was excessive. She thought Highland City was not
13 maintaining the public areas they already had and hoped the Planning Commission would
14 consider 15 feet.

15
16 Ms. Pat Robinson, Robinson Lane subdivision property owner, said when talking to the
17 neighbors about the property to the north, many said the area was an eyesore because it usually
18 had weeds or was dry and had not been taken care of. She said they had talked to the city and
19 they agreed that 30 feet was too much to take care of. She agreed that Highland City was a nice
20 place, but said that sometimes it was too much. She said she owned the property for 35 years and
21 did not understand the reasoning with the beautification. She said what they put in would be nice
22 and would match the width across the street. She said she would appreciate it if they could match
23 the east side of the road from 9600 North to 9700 North.

24
25 Commissioner Rock pointed out that he had property by his house that hardly ever looked nice
26 and had stained cedar fences. He said it was hard for Highland to maintain all the orphaned
27 spaces they had. He thought different fencing would be better.

28
29 Commissioner Heyrend wondered how they could require a development to the north to have the
30 30-foot Parkway detail and not Robinson Lane. Mr. David Clegg said he thought it could be
31 done because it was a transition area. Mr. Brian Robinson, representing the Robinson Lane
32 subdivision, said the north development was different because they were selling off the lots
33 instead of having a family subdivision. He mentioned that Highland City had to contract with a
34 company five years ago to maintain the city landscaping and that it cost more than it was worth.
35 He thought the 30-foot requirement should not apply to them because of what was on the other
36 side of the road.

37
38 Mr. Clegg said that he could make 15 feet look very beautiful. He added that he would be happy
39 to help the city maintain the 15 feet of frontage as long as the city took care of the watering. He
40 thought 30 feet would not be as easy for him to maintain.

41
42 Chair Kemp thought it would be helpful if they had a detailed landscape plan for the area. Mr.
43 Crane pointed out that 15 feet with a sidewalk left five feet for a tree due to UDOT's
44 requirement.

1 Commissioner Rock asked to see what they had planned for a fence. Mr. Clegg explained that
2 the minimum option started with what Ivory installed in the development to the North. He
3 understood why the Planning Commission would want to see a landscaping plan.
4

5 Commissioner Brammer wondered about the 83-foot wide area to the north. He wondered if
6 there were any plans to mark the entrance into the city. Mr. Crane explained the landscaping for
7 the 83-foot area. He said that when the subdivision was approved, each lot was required to touch
8 open space. He said the maintained landscaping was on the Parkway easement and the portion
9 that was not maintained was the subdivision's open space. He said at that time, it was to be a
10 natural vegetated area. Mr. Crane also explained that in the General Plan there was a community
11 design element that dealt with entrances and corridors. It was pointed out that there was an
12 existing sign in the subject area.
13

14 Commissioner Brammer thought it was more important to maintain the standards of the city to
15 the greatest extent possible. He said there was a rational basis to why the Parkway detail
16 specification was there. He said to overcome the specifications because larger lots were wanted
17 was disconcerting to him. He said the issue of the city maintaining public property was a
18 different discussion. He said he understood the concerns, but did not think the rational was at the
19 level it needed to be in order to change the policy.
20

21 Commissioner Day thought what they were planning would be a benefit to the property. He
22 thought there was logic to what they were doing in relation to the detention pond. He thought
23 there was an issue regarding the city being able to maintain the various open space areas.
24 Commissioner Day requested a landscaping plan from the applicant. He said he might consider a
25 20-foot Parkway detail.
26

27 Commissioner Heyrend thought that maintaining a 20-foot Parkway detail was very similar to
28 maintaining a 30-foot Parkway detail.
29

30 Chair Kemp called for additional comments or questions. Hearing none, he called for a motion.
31

32 **MOTION: Commissioner Day moved to table a decision and recommended that the**
33 **Robinson Lane property owners provide a landscaping plan showing the proposed 15-foot**
34 **Parkway detail.**
35

36 Mr. Crane mentioned that there was a small detail of the Robinson Lane Preliminary Plat
37 showing a general landscaping plan. After reviewing the landscaping plan, Commissioner Day
38 asked to withdraw his motion due to finding sufficient information.
39

40 **MOTION: Commissioner Brammer moved to deny the application to eliminate the**
41 **Parkway detail on Alpine Highway from 9700 North south to the city limit line.**
42 **Commissioner Heyrend seconded the motion. Commissioner Kemp, Commissioner**
43 **Brammer, and Commissioner Heyrend were in favor. Commissioner Day and**
44 **Commissioner Rock were opposed. The motion carried with two opposed and two absent.**
45

1 When stating reasons for the denial, the following explanations were given:
2

- 3 • The discussion regarding the policy is not appropriate on a case by case basis.
- 4 • Many of the arguments revolved around the policy decision of the city maintaining open
5 space areas and are not justification for a change. The Planning Commission was not
6 prepared to abandon the policy and change the Parkway detail for one developer.
- 7 • The request is a variance for the existing regulations as it applies to one property owner.
8 No substantial justification for the variance was found.
- 9 • Highland's unique environment should be maintained. As an entrance to Highland City,
10 the area needs to look attractive.
- 11 • 15-foot width is too narrow for adequate landscaping and does not allow for sufficient
12 tree planting.
- 13 • 30-foot Parkway detail was required of other developers.
- 14 • Parkway detail plan had been previously approved by preceding governing bodies
- 15 • 30-foot Parkway detail maintenance is virtually the same as maintaining a 15-foot
16 Parkway detail as a unique feature for Highland.
- 17 • The General Plan supports the implementation of the Parkway detail.
- 18 • Highland City is maintaining the 30-foot Parkway detail to the north and has the ability to
19 maintain this area with little extra cost.

- 20
21
22 4. **PP-12-02:** *Amber Clegg is requesting preliminary plat approval for a 5-lot single family*
23 *residential subdivision located at the northwest corner of 9600 North and the Alpine*
24 *Highway.*
25

26 Mr. Crane mentioned that a letter was received from American Fork City. He explained that
27 American Fork indicated a desire to relocate 9600 North. They were requesting accommodation
28 of a proposed cul-de-sac that would impact Lot 5. He said the property owners were not
29 supportive of the request. Mr. Crane explained that the Highland City Council had not yet made
30 a decision on how it related to the Highland Master Plan.

31
32 Chair Kemp opened the public hearing for item PP-12-02 at 8:33 PM. He asked for public
33 comment.

34
35 Mr. Robinson was concerned they were losing property because of the previously discussed 30-
36 foot easement and the request from American Fork. He suggested leaving the road as is.

37
38 Ms. Robinson explained that American Fork wanted to increase the road width to 88 feet. She
39 said she talked to American Fork and wondered where the collector road would go. She said she
40 didn't understand how two different cities could request different things on property that she
41 owned. She said she had already given up land and would fight against American Fork's request.

42
43 Mr. Clegg said he did not know what American Fork had to gain with their request. He said the
44 road would not get any further to the west and it was not going to go to the freeway. He said the
45 current design of the road slowed traffic.

1
2 Chair Kemp said he understood them wanting to keep their property. He said he could not speak
3 for American Fork and had not seen their road plan. He assumed there was a way to make
4 everyone happy. Mr. Crane said he discussed the situation with Highland staff and the attorney.
5 He explained that they had to process the application in accordance with existing regulations. He
6 said the negotiation of 9600 North and the accommodation of a cul-de-sac would be between the
7 property owner and whoever built the road in the future. He understood the road was within
8 Highland City boundaries.

9
10 Mayor Mark Thompson said he was given the assignment to visit with American Fork because
11 there were a couple of complications associated with 9600 North at that location. He said the
12 angle of entrances was not safe. Mayor Thompson explained that the Robinson's owned property
13 to the east. He said an extension of 9600 North was on the American Fork Master Plan, but
14 whether or not it was going to come to fruition was still to be debated. He explained that 9600
15 North was probably not the best placement of streets for Highland. He said it might be a T-
16 intersection, but was not feasible to have it continue to the east. Mayor Thompson said there was
17 another property owner involved. He discussed future scenarios for 9600 North and the future
18 cul-de-sac and said Highland did not need to meet American Fork's demands right now. He said
19 it would be very difficult to have an 88-foot easement on 9600 North in the future.

20
21 Commissioner Heyrend did not think American Fork gained anything by shifting a 90 degree
22 turn down a few hundred feet. He said American Fork had property east of their road so they
23 could expand it and turned to a 90 degree angle and still connect to the Highland road. He said it
24 would be very expensive to make changes to the road because of utilities and moving sewer and
25 water lines. He wondered who would pay for the changes. Commissioner Heyrend thought the
26 alignment worked fine and would be better if it was wider. He said, as an engineer, he did not see
27 many issues with the road the way it was, other than the width of the road was too narrow and
28 that it needed work within the American Fork boundaries. He mentioned that American Fork had
29 already requested Highland to move a road to the south. He thought American Fork needed to
30 rethink the request for 9600 North.

31
32 Chair Kemp called for additional comments or questions. Hearing none, he called for a motion.

33
34 **MOTION: Commissioner Rock moved that the Planning Commission accept the findings**
35 **and recommend approval of Case PP-12-02 a request for preliminary plat approval subject**
36 **to the follow six stipulations recommended by staff and denial of Case GP-14-01 pertaining**
37 **to the Parkway detail:**

- 38 **1. The final plat shall be in substantial conformance with the preliminary plat date**
39 **stamped April 17, 2014.**
- 40 **2. Prior to approval of the preliminary plat the applicant shall provide a letter from**
41 **the American Fork irrigation company regarding the relocation and piping of the**
42 **irrigation ditch.**
- 43 **3. Final landscape plans shall be approved prior to recording the final plat.**

- 1 **4. The applicant shall be responsible for the right-of-way dedication and the**
- 2 **construction of the north half 9600 North as required by the Development Code.**
- 3 **5. All required public improvements shall be installed as required the City Engineer.**
- 4 **6. The civil construction plans shall meet all requirements as determined by the City**
- 5 **Engineer.**
- 6 **7. Installation of the Parkway detail.**

7
8 **Commissioner Brammer seconded the motion. All present were in favor. The motion**

9 **carried unanimously with two absent.**

10
11 Commissioner Heyrend said he noticed there was only a six inch water line in 9600 North to

12 serve the subdivision. Mr. Crane said it was being modeled and that they were looking at a

13 couple different options.

14
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16 **APPROVAL OF MINUTES**

17
18 The Planning Commission reviewed the minutes from February 25, 2014. Commission Chair Kemp

19 called for a motion.

20
21 **MOTION: Commissioner Day moved to approve the minutes from February 25, 2014 as**

22 **written. Commissioner Rock seconded the motion. All present were in favor. The motion**

23 **carried unanimously with two absent.**

24
25
26 **COMMISSION COMMENTS AND SUGGESTIONS**

27
28 **MOTION: Commissioner Day moved to adjourn. Commissioner Rock seconded the**

29 **motion. All present were in favor. The motion carried.**

30
31 **Meeting adjourned at 8:55 PM.**