

Highland City Planning Commission

July 28, 2015

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Vice Chair Tim Heyrend at 7:06 PM on July 28, 2015. An invocation was offered by Commissioner Temby and those assembled were led in the Pledge of Allegiance by Commissioner Rock.

PRESENT: Commissioner: Tim Heyrend
Commissioner: Sherry Carruth
Commissioner: Abe Day (*arrived at 7:12 PM*)
Commissioner: Steve Rock
Commissioner: Scott Temby

EXCUSED: Commissioner: Christopher Kemp
Commissioner: Brady Brammer

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

OTHERS: Rob Gulbrandsen, Korby Siggard - Highland Oaks
See attached attendance list

PUBLIC APPEARANCES

Commission Chair Kemp asked for public comment. None was given.

PUBLIC HEARING ITEMS

Z-15-01

A request by Rob Gulbrandsen for the approval of a rezone application for a 61 single family home project called Highland Oaks. The property is approximately 36.61 acres in size and is located at the northeast corner of Highland Blvd. and 11800 North. The applicant is requesting the property to be zoned to R-1-20 zoning upon annexation.

Mr. Crane reviewed the details of the application and the recent history of the property. He said the annexation had been processed and was waiting action by the city council. He said the Annexation Policy Plan designated the property as low density residential. Based on the General Plan, Mr. Crane thought the R-1-40 district should be the baseline zone for evaluating the property for development. Mr. Crane said the concept plan was received late on Thursday and therefore had not been reviewed by staff. He said the concept plan may or may not be able to be built as proposed.

Commissioner Day arrived at 7:12 PM.

Mr. Crane explained that the applicant initially applied for a PD (Planned Development) district, but then the applicant chose to apply for an R-1-20 district. He talked about the Highland land use goals and discussed the requirements for the R-1-20 district. He explained that the R-1-20 district had not been used in Highland for large developments or newly annexed areas and its primary use was for older subdivisions that were approved as part of the county before Highland was incorporated. He showed a zoning map, talked about current R-1-20 districts, and reviewed the surrounding property. Mr. Crane discussed slope and drainage issues. Mr. Crane advised that if the Commission chose to use the R-1-20 district, they needed to review it thoroughly and understand what the unintended, or intended, consequences would be. He explained that the city offices received monthly inquiries about the R-1-20 district and where it could be used. Mr. Crane asked the Commissioners to consider questions pertaining to the goals and objectives of the General Plan, the best interest of the city, the most appropriate district for the area, the R-1-20 designation's impact on future development, and the slope and drainage issues.

The Planning Commission discussed the circumstances for some of the most recent annexations, how the R-1-20 district differed from the PD district, and if there were areas in the General Plan that were projected to be zoned for the R-1-20 district. When asked if the PD district fit with the goals and objectives of the General Plan, Mr. Crane explained that each project was evaluated on its own merits. He explained that staff thought Mr. Gulbrandsen's application for the PD district did not have enough standards written in it to ensure a quality development.

Upon request, Mr. Gulbrandsen addressed the Planning Commission. He talked about his analysis of the General Plan and said that it talked about the R-1-20 district on the fringe areas. He thought the property was considered a fringe area. He said he was also looking for a transition from the other developments in the area. He said there was strong support for the R-1-20 District in the neighborhood meeting. Mr. Gulbrandsen talked about the slope on the property and said the only 25% or more slopes were in the drainage channel. He said the overall site was a gentle slope with hills and valleys. They did not see the site to be complicated as it related to drainage and preserving some of the scrub oak. Mr. Gulbrandsen talked about the slope within other developments in the area. He thought they had well accommodated for any sensitive lands or other issues. He did not think there was an identified concept of sensitive lands that could not be addressed in preliminary and final plat.

Vice Chair Heyrend asked how they proposed to fit houses on lots with heavy slopes. Referring specifically to Lot 17 as an example, Mr. Gulbrandsen explained how they would handle the slope, including bringing the road in at a four to five foot cut, and having a 10 foot walkout basement with a contoured yard. He thought there was an opportunity for a non-disturbance agreement on some of the lots. He mentioned that they would have to rework the channeling in a couple of areas. He said backyards might have a 2% to 5% slope with a steep slope into the channel. He talked about the possibility of retaining walls. He believed there was adequate depth on the lots.

Vice Chair Heyrend asked if they would protect the scrub oak throughout the channel. Mr. Gulbrandsen said they would likely consider an HOA with CC&Rs that would ensure a quality home, landscaping and protection of the areas.

Vice Chair Heyrend asked about the power corridor. Mr. Gulbrandsen explained that it would be an easement on the lots. He talked about the setbacks and home placements on the lots. He said they would have a strict requirement, assuming that they had an association, that the area was maintained and landscaped. He said they accepted the easement restrictions on the lots which would be recorded against those lots as part of the plat. He said anyone purchasing the lots would understand the restrictions.

Commissioner Rock asked about the fencing for the project. Mr. Gulbrandsen said they had not addressed a fence requirement. He understood that Pacific Power did not have restrictions on fencing as long as there was access.

Commissioner Temby thought the PD District was an appropriate plan for the area. He wondered if they had considered dedicating open space for parks or play areas. He said he was struggling with the R-1-20 District for the annexation area because of the consequences. Mr. Gulbrandsen talked about the considerations for the area. He said the response from neighbors was that they preferred the R-1-20 District over the PD District. He talked about the surrounding areas and thought the R-1-20 District was appropriate.

The public hearing was open at 7:54 PM.

Resident Brandon Newman said since the last Planning Commission meeting he had over 100 people ask him to support them. He said they were in favor of the R-1-20 District. He thought a full acre was hard to take care of.

Resident Joseph Hunt voiced concern with the lack of open space planned for the project. He said 61 additional families going to the existing park would be too much. He talked about a walking trail adjacent to his house and said the current plan had the trail terminating at the proposed development. He would like to see it continue through the property.

Resident Ryan Lilyenquest said Atlas Drive had become a speed way since Sky Estates was built. He said they were promised that things would be done to slow people down on the grades and nothing had been done yet. He was in favor of the R-1-20 District. He thought open space would be great, but not necessary. He said it seemed that the city was struggling to maintain existing open space. He talked about landscaping for lots in R-1-40 Districts versus landscaping in R-1-20 Districts. He said landscaping in R-1-20 Districts were generally nicely done and affordable.

Land Owner Korby Siggard talked about the history of the property. He said they had been Highland's advocates and waited for the right person to development the land. He didn't know why there were roadblocks with the plan. Mr. Siggard talked about his profession and that he trained public officials how not to get sued. He said he did not want to sue Highland, but there had been red flags with someone in the city office. He thought the development should have

been on the City Council meeting agenda next week, but they were not. He would like to see some due process going forward. He thought the development would be a great product.

Resident Wade Miller was in favor of the R-1-20 District. He voiced concern with the width of the streets in the development.

Resident Natalie Ball said she attended the neighborhood meeting and thought Mr. Gulbrandsen was slightly exaggerating the enthusiasm for the R-1-20 District. She clarified saying that most residents at the meeting preferred the R-1-20 District over the PD District. She said a lot of them were suffering because of the things they were told about the Sky Estates development. Ms. Ball suggested that notices be sent to property owners more than 500 feet from proposed developments. She pointed out that half acre lots could still exist in an R-1-40 District.

Resident Tim Ball said it was not clamor, it was subjective and relevant to discuss his concern about the impact on the elementary school. He talked about his concerns with the already overburdened elementary infrastructure. He talked about the programs within the school that had been eliminated due to overcrowding. He said he contacted the school district and there were no plans for another elementary school in the area. He talked about his concerns with increased traffic and safety issues. He said it had become a hazardous areas. He highly resented the implication that someone on the Planning Commission had been going against the development. He said it was offensive and thought the Planning Commission had been honorable and accommodating to both the residents and the developer. He thought there should be an apology for the implication.

Vice Chair Heyrend closed the public hearing by consent at 8:16 PM. He asked for additional discussion from the Planning Commission.

Commissioner Day asked what the worries were when there were already R-1-20 Districts. Mr. Crane explained the two options within the R-1-40 District; straight R-1-40 or a mixture of lot sizes. He said there also was an open space option with density credit within the R-1-40 District. He explained that staff did not state that the R-1-20 District nor the development was or was not appropriate. He said it was a policy issue and that the city needed to decide if it was in conformance with the General Plan. He said there were arguments to support both sides. He said the city followed due process laws and could not meet the notification requirements for the next Council meeting. He talked about working with other developments with conservation and storm drain easements.

Commissioner Temby said he considered the recommendations of the General Plan, but he also considered the efforts of the developer in addressing the concerns of the community. He was concerned with the unintended consequences and being able to enforce the impacts to the sensitive lands and road widths. He thought an R-1-20 District would help the land owner fully landscape and would encourage the landscaping aspects without creating additional burden on the city.

Commissioner Heyrend said he generally liked the R-1-20 District but would like to see it master planned. He wanted to see that part of the city have the R-1-20 as an option, but would not

recommend it everywhere. He was concerned that it would spread throughout the city. He talked about the reaction of R-1-20's coming to the city in the past. He thought it fit well in the area, although he did not want to see Highland turn into R-1-20 lots. He would like to review a zoning map and zoning ordinance amendment to consider areas where the R-1-20 District might fit.

Discussion ensued regarding the possible impact of approving the request. The Planning Commission discussed the slopes and preserving the vegetation in the drainage. They discussed the trail and the possibility of continuing it into the proposed development between Lots 8 and 9. Mr. Gulbrandsen said that if his plan was approved tonight he would provide a minimum of 30 feet on all of the rear lot lines that were against the drainage channel, with the exception of Lot 14, with a non-buildable preservation of scrub oak and the drainage. He reminded the Commission that part of the drainage needed to be realigned. He also said they would integrate and build the trail without landscaping then dedicate it to the city.

Commissioner Temby wondered if staff could suggest development code requirements for the R-1-20 District. He thought establishing parameters with respect to what would be appropriate for the R-1-20 for annexation in the future. Mr. Crane explained that the purpose statement of the R-1-20 District could be revised.

MOTION: Commissioner Day moved to recommend approval of Business Item Z-15-01 with the following stipulations:

1. The development will have 61 units in the R-1-20 District
2. A portion of Lot 8 will be dedicated to the city for the purpose of continuing the trail to connect the streets

Commissioner Rock seconded the motion.

AMENDMENT TO THE MOTION: Commissioner Temby moved to amend the motion to include the following:

1. the development would have 61 lots or fewer in the R-1-20 District
2. Include a minimum 30-foot lot line setback for Lots 13-32 for purposes of existing drainage, or for the lots to the south where the drainage must be relocated, and accept the offer to maintain existing shrubbery and plant life in the sensitive lands, and that the relocation would be sensitive to not disturb any more scrub oak than is necessary for the construction of the flow line in order to retain the natural beauty of the area.

All present were in favor. The motion carried with two absent.

MOTION: All present were in favor. The motion carried with two absent.

OTHER BUSINESS

Discussion regarding the proposed amendment to Town Center Overlay zone

MOTION: Commissioner Temby moved to discuss the proposed amendment when Commissioner Brammer was present. Commissioner Rock seconded the motion. All present were in favor. The motion carried.

APPROVAL OF MINUTES

MOTION: Commissioner Temby moved to approve the minutes from the June 30, 2015 meeting as written. Commissioner Day seconded the motion. All present were in favor. The motion carried with two absent.

PLANNING STAFF REPORT

Nathan mentioned that Blackstone was continued to the August 18th Council meeting. He said there were items that the Council asked the developer to address.

COMMISSION COMMENTS AND SUGGESTIONS

None

ADJOURNMENT

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

The meeting was adjourned at 9:00 PM.