

1 **Highland City Planning Commission**
2 **April 28, 2009**

3
4 **PRESENT:** Commissioner: Brent Wallace, Acting Chair
5 Commissioner: Tony Peckson
6 Commissioner: Melissa Wright
7 Commissioner: Don Blohm
8 Commissioner: Kelly Sobotka
9 Commissioner: Roger Dixon
10 Alternate Commissioner: Abe Day

11
12 **EXCUSED:** Commissioner: Jennifer Tucker, Chair

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14 **STAFF PRESENT:** City Planner: Lonnie Crowell
15 City Planner: Carly LeDuc
16 Secretary: Kiera Corbridge

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18 **OTHERS:** Trixie Walker, Kathryn Schramm, Steve Painter, Michael Brooks, Wayne
19 Winsor, Lynn Ritchie.

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21 Meeting Convened at 7:00 pm
22 Prayer given by: Roger Dixon
23 Pledge led by: Kelly Sobotka

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26 **Item 1: Approval of Meeting Minutes for April 14, 2009**

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28 **Kelly Sobotka moved to approve the Meeting Minutes for April 14, 2009, as**
29 **amended. Seconded by Tony Peckson. Unanimous vote, motion carried.**

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32 **Item 2: Amendment to Map 8-4 Existing and Future Trails Plan as part of the**
33 **Parks, Recreation Facilities and Trails Element of the Highland City General Plan ~**
34 **Public Hearing and Recommendation**

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36 Lonnie Crowell clarified that the purpose of this public hearing is to obtain public
37 comment on the proposed locations for “Major Connector Trails” as well as
38 added/deleted trails in comparison to the existing Adopted Map 8-4 Existing and Future
39 Trails Plan as part of the Parks, Recreation Facilities and Trails Element of the Highland
40 City General Plan.

41
42 Lonnie Crowell explained that over the past several years, residents of open space bonus
43 density subdivisions have been concerned with the type of open space vegetation that
44 exists in their neighborhoods. The City has provided an “open space improvement
45 agreement”, which allows a homeowner to plant grass and/or certain trees within the

1 open space in the property behind their yard as approved by the City; however, Staff is
2 still required to enforce ordinances for residents who trespass and improve public
3 property without an open space improvement agreement. In the past, there has not been a
4 consistently defined purpose behind what was improved or how it was improved other
5 than by complaint, violation, or other park plan. Staff has determined that defining the
6 major trails and trail system through Highland would provide a more consistent
7 opportunity to understand the open space subdivision improvements. Staff is proposing to
8 eliminate redundant trails and add trails which may connect parks and/or trails that lead
9 to the Town Center. If the City establishes a plan to connect the major trail systems and
10 establish trail status, it is staff's proposal to improve the open space adjacent to the major
11 trail systems and offer the residents in areas not near the major trails systems more
12 flexibility with the open space improvement agreement.

13

14 A Commissioner expressed interest in connector trails that link up with the trail systems
15 of the surrounding cities.

16

17 A Commissioner inquired as to the size and placement of trails planned and whether land
18 would need to be acquisitioned. Lonnie Crowell noted that many trails will be placed in
19 the existing right-of-ways; although final placement is determined by the City Council.

20

21 **Brent Wallace opened the public hearing at 7:22 pm.**

22

23 Wayne Winsor, Chief Engineer of the Metropolitan Water District of Salt Lake and
24 Sandy, expressed his support of the trail system on the north and east portion of the city.

25

26 **Hearing no further comment, Brent Wallace closed the public hearing at 7:23 pm.**

27

28 A Commissioner asked for clarification regarding the priority of neighborhood trails as
29 opposed to major connector trails. Lonnie Crowell explained that the neighborhood trails
30 in open space subdivisions were installed by the developer as part of the subdivision
31 approval and that the open space fee helps maintain the open space and trails.

32

33 **Don Blohm moved to recommend that City Council Amend Map 8-4 for the purpose**
34 **of defining major trails within Highland and providing staff with direction for the**
35 **improvement of Open Space within the Open Space subdivisions as presented.**

36 **Roger Dixon seconded.**

37

38 A Commissioner expressed concern regarding portions of the trail that are not owned by
39 the City. Lonnie Crowell clarified that future trails are shown on the General Plan Trail
40 Map so trail easements can be established when the property develops.

41

1 **Those voting aye: Don Blohm, Roger Dixon, Tony Peckson, Kelly Sobotka, Brent**
2 **Wallace, Melissa Wright. Those voting nay: Abe Day. Motion passed with a**
3 **majority vote, 6:1.**

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6 **Item 3: Amendment to 3-4108: Conditional Uses and 3-4208: Conditional**
7 **Uses in the Highland Development Code ~ Public Hearing and Recommendation**
8

9 Lonnie Crowell explained that the City Council has requested an ordinance that would
10 provide the Council the choice to extend the Model Home period if the subdivision did
11 not have 80% of the lots sold within the original two year period. The City Council
12 indicated that if the model home has not violated ordinances or conditions required
13 during the Conditional Use Permit process, the model home should be given extensions
14 to assist the subdivision in its completion; however, if the model home use has not met
15 the conditions and requirements as originally approved, the City Council may not
16 approve the extension. Consistent with the current nuisance ordinance, the proposed
17 ordinance follows a complaint process that ensures that one person's opinion does not
18 become the determining factor for the Model Home extension.

19
20 It was noted that residents living outside of the subdivision may be affected by the model
21 home and should also be permitted to submit written complaints to the City.

22
23 A Commissioner expressed concern that the six month extension period may be too short
24 in the current economic condition. It was suggested that a sunset provision be added
25 based on the percentage of lots sold and/or a time frame.

26
27 **Brent Wallace opened the public hearing at 7:42 pm and hearing no comment,**
28 **closed the public hearing.**

29
30 Commissioners made typographical corrections.

31
32 **Tony Peckson moved to recommend that City Council Amend 3-4108: Conditional**
33 **Uses and 3-4208: Conditional Uses in the Highland Development Code to provide**
34 **the City Council the opportunity to continue a Model Home Conditional Use Permit**
35 **per the following recommendations:**

- 36 1. **That 3-4108(14)(d) read: No model home use shall exceed two years except as**
37 **provided for in 3-4108(14)(k); and**
- 38 2. **That 3-4208(12)(d) read: No model home use shall exceed two years except as**
39 **provided for in 3-4208(12)(k); and**
- 40 3. **That 3-4108(14)(k) and 3-4208(12)(k) read: ...the City Council may consider**
41 **a ~~six (6)~~ 12 month extension for a Model Home Conditional Use Approval...;**
42 **and**

- 1 **4. That 3-4108(14)(k)(iii) and 3-4208(12)(k)(iii) read: That the written**
2 **complaints submitted have been submitted by at least three (3) separate**
3 **individuals who reside within that subdivision or subdivision phase or live**
4 **within a 500 foot radius of the model home; and**
5 **5. That a sunset provision be added that the extension terms expire at the end**
6 **of five (5) years or until 80% of the subdivision lots are sold.**

7 **Seconded by Melissa Wright. Unanimous vote, motion carried.**

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10 **Item 4: Amendment to 3-622: Purpose of Public Utilities to Specifically Define**
11 **and Permit Alternative Energy in the Highland City Development Code~ Public**
12 **Hearing and Recommendation**

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14 Lonnie Crowell explained that staff has had several requests from Highland City
15 residents to allow for personal alternative energy sources, specifically wind turbines and
16 solar panels, to power residents' homes; the current ordinance prohibits this use. Staff has
17 provided a draft ordinance for the Planning Commission to review that allows for
18 alternative energy systems within Highland. This draft is based on comments from
19 previous Planning Commission meetings.

20
21 Concerns were raised about limiting the number of alternative power sources per home.

22
23 Lonnie Crowell noted that the suggested setbacks are to help maintain a neighbor's
24 aesthetic pleasure and to promote safety if a wind turbine fell. Commissioners expressed
25 concern that the proposed setbacks are too restrictive and discriminate based on lot size.
26 Lonnie Crowell stated that a Conditional Use Permit would be available if the lot was too
27 small to comply with the setbacks. A Commissioner noted that a limb falling from a large
28 tree could pose a greater threat as a falling tower.

29
30 Concerns were raised regarding the height requirements; Commissioners felt that it may
31 be difficult to comply with both the 15 foot minimum distance from the ground and the
32 45 foot height limit of the structure.

33
34 Objections to wind turbines in residential zones were expressed; a Commissioner
35 observed that even if the wind turbines were properly engineered, aesthetics seem to be
36 the main concern.

37
38 A Commissioner summarized research from a visit to a nearby homeowner with wind
39 turbines installed on his property. The homeowner conveyed a significant increase in
40 energy production when he raised his turbines higher into the wind stream. The
41 Commissioner stated that the wind turbines that homeowner had installed are not

1 significantly noticeable and observed that they are aesthetically pleasing; however,
2 concern was expressed that other manufactures may install more obnoxious structures.

3
4 **Brent Wallace opened the public hearing at 8:04 pm.**

5
6 Steve Painter, owner of West Mountain Wind and Solar, expressed his opinion that
7 requiring the tower to withstand wind speeds of 130 mph or above is excessive if the
8 homes are not able to withstand the same speeds. He also stated that the base for a tower
9 that can withstand such wind speeds would dramatically increase the cost.

10
11 Mr. Painter explained that the blades used by his company are made from reinforced
12 carbon and are very strong. He remarked that wind turbines are high tech pieces of
13 machinery.

14
15 Mr. Painter noted that technology for both wind power and solar power continues to
16 improve.

17
18 A Commissioner observed that the Planning Commission would like to encourage
19 residents to use alternative energy but would also like to preserve the aesthetic appeal of
20 Highland.

21
22 Michael Brooks, a resident of Highland City, also expressed concern regarding the
23 proposed setbacks. He stated that although he is willing to apply for a Conditional Use
24 Permit, he would prefer not to add the expense. Lonnie Crowell clarified that a
25 Conditional Use Permit provides the neighbors an opportunity to voice their opinions, but
26 noted that the City Council could decrease the Conditional Use Permit fee.

27
28 **Brent Wallace closed the public hearing at 8:18 pm.**

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30 A Commissioner mentioned that there are many grants available which makes personal
31 alternative energy systems very plausible.

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33 It was noted that the requirement of a building permit may help regulate the design of the
34 structure for safety purposes.

35
36 A Commissioner expressed concern that inexperienced homeowners may try to connect a
37 personal alternative energy conversion system to backup power or batteries to avoid the
38 federalized standards.

1 It was reiterated that Rocky Mountain Power will not pay for excess power but will credit
2 the excess to the account.

3
4 The Planning Commission noted that the ordinance will need to change as technology
5 advances and questions were raised about requiring removal of broken, discarded, or
6 outdated solar or wind systems. Steve Painter suggested adding an Abandonment Clause.

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8 Commissioners questioned the height limitations of the ground mounted solar energy
9 systems; Lonnie Crowell remarked that a typical panel is approximately 22 feet tall and 6
10 feet wide and has about as much aesthetic impact as an athletic court or accessory
11 structure.

12
13 A Commissioner expressed concern that the wind speed requirement of 130 mph is too
14 restrictive and may eliminate many alternative energy companies.

15
16 It was summarized that the main concerns expressed were as follows:

- 17 ▪ Lot size and setbacks (if either/both are discriminatory against smaller lot sizes)
- 18 ▪ Maximum/minimum height
- 19 ▪ Wind speed requirements
- 20 ▪ Conditional Use Permit fees (if needed)
- 21 ▪ Number of structures per lot (determined by size of lot)
- 22 ▪ Type of structure permitted (based on engineering and safety rather than
23 appearance)

24
25 A Commissioner emphasized that proposed changes to the ordinance must be supported
26 by examples and facts.

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28 **Kelly Sobotka moved that the item be continued to allow for further discussion.**
29 **Seconded by Roger Dixon. Unanimous vote, motion carried.**

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32 **Item 5: Define “Common Household” ~ Information Only**

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34 Carly LeDuc explained that “Common Household”, as found in the Highland City
35 Development Code, is an important term when evaluating a possible illegal apartment;
36 however, it is too vague of a term for Code Enforcement to successfully assess the
37 situation. Staff feels that having a definition clarifying this term will help with
38 enforcement processes.

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40 Carly LeDuc explained that staff would use the questionnaire presented to the
41 Commissioners to draft an appropriate definition for Common Household.

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In the previous meeting, Commissioners suggested that Common Household be defined as sharing a common home facility, kitchen and/or laundry, as well as both parties accessing the home through the main entrance.

A Commissioner suggested wording the definition as follows:

Common Household - Living quarters in which the occupants share eating and living areas, laundry facilities, unobstructed access to all of the living quarters within the building and an outside access to the building which provides entry to all living quarters within the building.

Meeting adjourned at 8:54 pm.