

1 **Highland City Planning Commission**
2 **May 12, 2009**
3
4

5 **PRESENT:** Commissioner: Jennifer Tucker, Chair
6 Commissioner: Tony Peckson
7 Commissioner: Melissa Wright
8 Commissioner: Don Blohm
9 Commissioner: Roger Dixon
10 Alternate Commissioner: Abe Day
11

12 **EXCUSED:** Commissioner: Brent Wallace
13 Commissioner: Kelly Sobotka
14

15 **STAFF PRESENT:** City Planner: Lonnie Crowell
16 City Planner: Carly LeDuc
17 Secretary: Kiera Corbridge
18

19 **OTHERS:** Angela Whitehorn, Michael Brooks, Kathryn Schramm, Laryn Hill, Jacob
20 Osborn.
21

22 Meeting Convened at 7:00 pm
23 Prayer given by: Melissa Wright
24 Pledge led by: Don Blohm
25
26

27 **Item 1: Approval of Meeting Minutes for April 28, 2009**
28

29 **Don Blohm moved to approve the Meeting Minutes for April 28, 2009, as amended.**
30 **Seconded by Tony Peckson. Unanimous vote, motion carried.**
31
32

33 **Item 2: American Fork City Public Utility Zone Request ~ General Plan**
34 **Future Land Use Map and Zoning Map Amendment ~ Public Hearing and**
35 **Recommendation**
36

37 Item rescheduled for May 26, 2009.
38
39

40 **Item 3: American Fork City Pressurized Irrigation Filter Station ~**
41 **Conditional Use Permit ~ Public Hearing and Recommendation**
42

43 Item rescheduled for May 26, 2009.
44

1
2 **Item 4: Amendment to Article 4.2 C-1 Zone, Section 3-4302: Conditional Uses**
3 **to allow Temporary Outdoor Sales ~ Public Hearing and Recommendation**
4

5 Lonnie Crowell explained several Highland City residents and business owners have
6 requested approval for temporary sales within the C-1 Zone. Opinions have been
7 expressed that this opportunity would allow Highland businesses to gain additional sales
8 and provide Highland residents with a place to gather. The intent of the proposed
9 ordinance is to allow for “sidewalk sales” which may be conducted in front of a business
10 or within the parking lot of C-1 Zone locations.

11
12 Lonnie Crowell also noted that a similar ordinance may return at a later date for the other
13 commercial zones.

14
15 **Jennifer Tucker opened the public hearing at 7:07 pm and hearing no public**
16 **comment closed the public hearing.**

17
18 The Commissioners addressed items of clarification.

19
20 A Commissioner suggested regulating the vendors’ signage. Lonnie Crowell noted that
21 not all vendors may fit within the same standards.

22
23 Commissioners expressed concern that residents may arrange permanent “sidewalk sales”
24 or that businesses may extend their business onto the sidewalk and parking lot. Several
25 Commissioners observed that the property owners have the power to regulate the number
26 of sales permitted.

27
28 A Commissioner suggested adding an additional subsection that limits the number of
29 events and specifies a time frame. It was also suggested that subsection (12)(b) be added
30 to specify uses.

31
32 Commissioners made typographical corrections.

33
34 **MOTION: Roger Dixon moved to recommend that City Council amend Article 4.2**
35 **C-1 Zone, Section 3-4302: Conditional Uses with typographical corrections and per**
36 **the following recommendations:**

- 37
38 1. **Addition of 3-4302(12)(b)(i) to specify uses, such as: seasonal produce,**
39 **fireworks, shaved ice, Navajo tacos, Christmas trees, etc.; and,**
40 2. **Addition of 3-4302(12)(i) Temporary outdoor sales events shall not exceed 5**
41 **separate events per year per business and the total of these events shall not**
42 **exceed 120 days.**

43
44 **Seconded by Tony Peckson.**
45

1 **Those voting aye: Abe Day, Don Blohm, Roger Dixon, Tony Peckson, Jennifer**
2 **Tucker. Those voting nay: Melissa Wright. The motion passed with a majority vote**
3 **of 5:1.**

4
5 **Melissa Wright stated she voted against the motion because she doesn't agree with**
6 **limiting the time frame to 120 days; she would like to see the time frame be one**
7 **year.**

8
9
10 **Item 5: 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**

13
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 It was noted that if an event were to occur that the City could have prevented, such as a
22 fallen wind turbine, the City may be held liable; it is staff's recommendation that any
23 tower be engineered and constructed to withstand wind speeds exceeding the highest
24 recorded wind speed in Highland.

25
26 The Commissioners discussed the visual impact of ground mounted solar panels as
27 opposed to wind turbines. Several Commissioners stated objections to allowing a height
28 above the 35 foot limit of residential zones. A few Commissioners noted that not every
29 Highland resident desires or can afford an alternative energy conversion system and
30 expressed their opinions that the visual impact will be nominal.

31
32 **Jennifer Tucker opened the public hearing at 8:00 pm.**

33
34 Michael Brooks, a resident of Highland, emphasized his interest in alternative energy
35 sources to reduce his energy consumption. He suggested www.helixwind.com as a
36 reference for alternate designs of wind towers, but expressed his opinion that they are
37 much more expensive and not as effective. Mr. Brooks stated that he feels many residents
38 will be interested in alternative energy systems and hoped that a Conditional Use Permit
39 would not be required. When asked if he had performed a comparative cost study of solar
40 panels as opposed to wind turbines, Mr. Brooks stated his findings that the price per
41 kilowatt for solar panels was significantly higher than the cost of a wind turbine. He also
42 stated his opinion that the power output of a smaller wind turbine is negligible.

43
44 Kathryn Schramm, a Highland City resident and City Council Member, conveyed the
45 interest expressed to her by Highland City residents regarding alternative energy
46 conversion systems and added her support of an ordinance that permits such an

1 opportunity. Mrs. Schramm referenced the height limits stated in the ordinance of a
2 neighboring city.

3
4 Laryn Hill, a resident of Highland, stated that he would strongly oppose a tower in his
5 neighbor’s yard that would negatively impact his view and observed that solar panels
6 seem less obtrusive. He expressed his support of allowing residents the opportunity to
7 acquire a Conditional Use Permit but feels that the neighbors should also have an
8 opportunity to voice their opinions.

9
10 Jacob Osborn, a Highland City resident, feels that the towers in residential areas may be
11 abused and graffitied by kids in the neighborhood.

12
13 The Commissioners discussed the need of a Conditional Use Permit. Lonnie Crowell
14 clarified that an ordinance can only require neighbors to be notified and/or require a
15 Conditional Use Permit.

16
17 **Jennifer Tucker closed the public hearing at 8:17 pm.**

18
19 A Commissioner observed that the main subject of debate seemed to be regarding the
20 height limitations and suggested approving the ordinance with the exception of those
21 limitations.

22
23 It was noted that it is illegal to base the approval of a Conditional Use Permit on neighbor
24 complaint; it is categorized as public clamor.

25
26 A Commissioner declared that the potential visual impact should not outweigh an
27 individual’s right to use their property as they please. A Commissioner agreed that the
28 property owner should have the opportunity to install an alternative energy conversion
29 system but maintained that the neighbors should have a forum in which to voice their
30 opinion as well; a Conditional Use Permit would allow both.

31
32 A Commissioner remarked that the City does not regulate flag pole, cell towers, ham
33 radio towers, or trees, all of which may pose a higher risk of falling than an engineered
34 wind turbine.

35
36 The Commissioners addressed items of clarification and typographical corrections.

37
38 **MOTION: Don Blohm moved to recommend that the City Council amend Section 3-**
39 **622: Purpose of Public Utilities within the Highland City Development Code to**
40 **allow for Individual Private Energy Facilities with the following recommendations:**

- 41
42 **1) Change “Above Ground” to “Ground Mounted” throughout the**
43 **ordinance; and,**
44 **2) Amend 3-622(4)(d)(iv) to read: Height. A SWECS may not exceed a total**
45 **of thirty-five feet in height from grade to the highest point of the facility**
46 **including the generator and turbine blades.**

- 1 3) Add a paragraph to 3-622(4)(d)(iv) that requires all installations that
2 exceed the thirty-five foot height limit be handled under a Conditional
3 Use Permit.

4
5 **Seconded by Roger Dixon.**

6
7 **MOTION TO AMEND: Melissa Wright moved to amend the motion that the height**
8 **restriction be forty-five feet. Seconded by Abe Day.**

9
10 **Those voting aye: Abe Day, Tony Peckson, Melissa Wright. Those voting nay: Don**
11 **Blohm, Roger Dixon, Jennifer Tucker. The motion to amend failed for lack of a**
12 **majority vote, 3:3.**

13
14 **Jennifer Tucker called for a vote on the original motion. Those voting aye: Don**
15 **Blohm, Roger Dixon, Jennifer Tucker. Those voting nay: Abe Day, Tony Peckson,**
16 **Melissa Wright. The main motion failed for lack of a majority vote, 3:3.**

17
18 **MOTION: Abe Day moved to recommend that the City Council amend Section 3-**
19 **622: Purpose of Public Utilities within the Highland City Development Code to**
20 **allow for Individual Private Energy Facilities with the following recommendations:**

- 21
22 1) Change “Above Ground” to “Ground Mounted” throughout the
23 ordinance; and,
24 2) Amend 3-622(4)(d)(iv) to have a maximum height specification of
25 between forty-one and fifty-five feet to be set by the City Council.
26 3) Add a paragraph to 3-622(4)(d)(iv) that requires all installations that
27 exceed the maximum height specification be handled under a Conditional
28 Use Permit.

29
30 **Seconded by Melissa Wright.**

31
32 **Those voting aye: Abe Day, Tony Peckson, Melissa Wright. Those voting nay: Don**
33 **Blohm, Roger Dixon, Jennifer Tucker. The motion failed for lack of a majority vote,**
34 **3:3.**

35
36 **MOTION: Roger Dixon moved to recommend that the City Council amend Section**
37 **3-622: Purpose of Public Utilities within the Highland City Development Code to**
38 **allow for Individual Private Energy Facilities with the following recommendations:**

- 39
40 1) Change “Above Ground” to “Ground Mounted” throughout the
41 ordinance; and,
42 2) Amend 3-622(4)(d)(iv) to have a maximum height specification of
43 between thirty-five and forty-five feet to be set by the City Council.
44 3) Add a paragraph to 3-622(4)(d)(iv) that requires all installations that
45 exceed the maximum height specification be handled under a Conditional
46 Use Permit.

1 **Motion died for lack of a second.**

2
3 **MOTION: Roger Dixon moved to recommend that the City Council amend Section**
4 **3-622: Purpose of Public Utilities within the Highland City Development Code to**
5 **allow for Individual Private Energy Facilities with the following recommendations:**

- 6
7 1) **Change “Above Ground” to “Ground Mounted” throughout the**
8 **ordinance; and,**
9 2) **Amend 3-622(4)(d)(iv) to have a maximum height specification set by the**
10 **City Council. Anything above that maximum would require approval**
11 **through the Conditional Use Permit process, which will also require**
12 **neighborhood input. The City Council should decide if the neighbors**
13 **need to approve the request or just need to be notified.**

14
15 **Seconded by Tony Peckson.**

16
17 **Those voting aye: Abe Day, Roger Dixon, Tony Peckson, Jennifer Tucker, Melissa**
18 **Wright. Nay: Those voting nay: Don Blohm. The motion passed with a majority**
19 **vote, 5:1.**

20
21
22 **Item 6: Define “Common Household” ~ Reminder**

23
24 Carly LeDuc explained that “Common Household”, as found in the Highland City
25 Development Code, is an important term when evaluating a possible illegal apartment;
26 however, it is too vague of a term for Code Enforcement to successfully assess the
27 situation. Staff feels that having a definition clarifying this term will help with
28 enforcement processes.

29
30 In previous meetings, Commissioners suggested that Common Household be defined as
31 sharing common living and eating areas, laundry, as well as both parties accessing the
32 home through the main entrance.

33
34 A Commissioner suggested wording the definition as follows:

35 **Common Household** - Living quarters in which the occupants share:

- 36 1. Living and eating areas
37 2. Laundry facilities
38 3. Access from outside the building
39 4. Unobstructed access to all rooms within the building

40
41
42 Meeting adjourned at 8:58 pm.