

1 **Highland City Planning Commission**
2 **May 26, 2009**
3
4

5 **PRESENT:** Commissioner: Jennifer Tucker, Chair
6 Commissioner: Brent Wallace
7 Commissioner: Kelly Sobotka
8 Commissioner: Tony Peckson
9 Commissioner: Melissa Wright
10 Commissioner: Don Blohm
11 Commissioner: Roger Dixon
12

13 **EXCUSED:** Alternate Commissioner: Abe Day
14

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

19 **OTHERS:** Angela Whitehorn, Lynn Ritchie, Janet Wadsworth, Andy Spencer, John
20 Schiess.
21

22 Meeting Convened at 7:00 pm
23 Prayer given by: Brent Wallace
24 Pledge led by: Roger Dixon
25
26

27 **Item 1: Approval of Meeting Minutes for May 12, 2009**
28

29 **Melissa Wright moved to approve the Meeting Minutes for May 12, 2009, as**
30 **amended. Seconded by Tony Peckson. Unanimous vote, Brent Wallace abstained**
31 **since he was not in attendance at the May 12, 2009 meeting, motion carried.**
32
33

34 **Item 2: American Fork City Public Utility Zone Request ~ General Plan**
35 **Future Land Use Map and Zoning Map Amendment ~ Public Hearing and**
36 **Recommendation**
37

38 Following the application to rezone this property, it was determined that the proposed
39 property configuration could not meet the requirements of the Public Utility Zone; the
40 Public Utility Zone is only required if the facility is constructed above ground. The
41 applicant has since chosen to construct the facility “under-ground” to meet the
42 requirements of the existing zone and public utility section as defined in 3-622:
43 Supplementary Regulations within the Highland City Development Code. The
44 application to amend the General Plan Future Land Use Map and the Zoning Map has
45 been pulled by the applicant. This item has been cancelled indefinitely.

1
2
3 **Item 3: American Fork City Pressurized Irrigation Filter Station ~**
4 **Conditional Use Permit ~ Public Hearing and Recommendation**

5
6 Lonnie Crowell explained that American Fork City has applied to install a filtration
7 system for their recently constructed pressurized irrigation pond within Highland's
8 boundaries on property located at the northeast corner of the Fox Hollow Golf Course.
9 The Development Code requires any underground utility not owned and operated by
10 Highland City to obtain a Conditional Use Permit. The ordinance reads as follows:

11
12 3-622(1)(a)(iv) All under-ground device or structure, of a culinary water,
13 irrigation, reservoir, or public utility system not owned or operated by Highland
14 City or Highland Water Company, which is intended to regulate the function of a
15 storage device or distribution line or which receives or transmits a signal, must
16 provide a majority of their direct services to Highland City businesses and
17 residents and shall be required to obtain a Conditional Use Permit. Exceptions:
18 see 3-622.3

19
20 The ordinance does not define underground and because the applicant is proposing to
21 remove existing dirt and construct this utility below-grade, American Fork City suggests
22 that this be considered underground to meet the requirements of the ordinance. The City
23 is required by State Law to approve this application if the applicant is willing to abide by
24 the Conditions placed upon this facility which are identified in Chapter 4; Conditional
25 Uses within the Highland City Development Code. The Planning Commission may only
26 recommend additional conditions as defined within the ordinance.

27
28 The applicant is proposing to construct a fence which would meet the current fence
29 ordinance. The Planning Commission should require as a condition that the fence be
30 removed if it is determined that the Murdock Connector road should be located where
31 this facility is being constructed. If it is found that the proposed filtration system is in the
32 way, the filtration system will need to be buried beneath the road. The City does not
33 currently have an exact road alignment or any additional information/data regarding the
34 road alignment.

35
36 The existing ordinance does require that all applications landscape a minimum of 35% of
37 the property on which the Conditional Use exists. The applicant has indicated to staff that
38 they intend to landscape the exterior of the proposed facility to meet this requirement.

39
40 Andy Spencer, American Fork City Engineer, explained that the proposed facility would
41 look similar to the facility located on the south side of the Fox Hollow Golf Course.

42
43 A Commissioner inquired about potential noise. John Schiess, Engineer from Horrocks
44 Engineers, stated that the noise is very minimal.

1 Concerns were expressed that permitting this facility to be built below-grade rather than
2 underground, as the ordinance states, would establish the definition of “underground” by
3 precedent.
4

5 A Commissioner referred to staff’s recommendation that “if it is determined that the
6 East/West Murdock Connector road or Murdock Trail are to be located where this filter
7 station is being proposed, the filter system will be buried beneath the road or trail, or the
8 trail will be accommodated by other means necessary, and the applicant will be
9 financially responsible for any necessary changes to provide for this location,” and asked
10 why American Fork would propose to build a facility on this site with the potential
11 requirement that the facility be buried. Andy Spencer stated that research indicated this is
12 the best location.
13

14 Andy Spencer indicated that most of the pipes leading to the facility have been installed
15 and the facility would be completed this summer. John Schiess added that the main
16 concern is that without this facility, American Fork can only supply pressurized irrigation
17 to the east portion of the city.
18

19 When asked if the facility is necessary because of the previously installed pressurized
20 irrigation pond, John Schiess informed the Planning Commission that the proposed
21 facility would feed water to the pond as well as the upper third portion of American Fork
22 City; the pond currently only feeds water to the lower two-thirds of the City and without
23 the proposed filter, the upper third cannot be supplied with pressurized irrigation water.
24

25 Commissioners suggested a few alternate locations. Mr. Spencer explained that alternate
26 locations have been explored but the proposed site is economically the optimum location;
27 two supply pipes conjoin in a “T”.
28

29 The question of maintenance for an underground facility was raised. Andy Spencer
30 reported that filter facilities can be constructed in an underground vault; however, since
31 the recommendation of an underground facility was not anticipated, the plans presented
32 to the Commissioners are for an open air access facility.
33

34 It was suggested that the approval of the filter station facility be postponed until the City
35 knows the exact alignment of the East/West Murdock Connector road so as to select a
36 location that will not require the facility to be buried; several Commissioners did not feel
37 comfortable with the idea of the road, trail, utility lines, and the irrigation filter station all
38 being constructed in the same location. A Commissioner asked whether moving the
39 facility was a possible solution if the road was determined to be located in the same
40 place. Andy Spencer stated that it would be feasible but costly.
41

42 A Commissioner summarized that the Planning Commission did not seem to object to the
43 proposed irrigation filter station, but they were opposed to the idea of defining
44 “underground” as “below-grade”.
45

46 Andy Spencer petitioned that the Planning Commission recommend this application be
47 approved according to the ordinance as written, and reassess the ordinance at a later date.

1 Mr. Spencer also stated that any unanticipated recommendations given at this meeting
2 would need to receive approval from the proper authorities in American Fork City. The
3 financial expense of installing the facility in an underground vault may make alternate
4 locations more viable.

5
6 **Jennifer Tucker opened the public hearing at 7:43 pm.**

7
8 Janet Wadsworth, a resident in Pheasant Hollow, expressed her concern about limiting
9 the potential locations of the Murdock Connector road. Mrs. Wadsworth also shared her
10 observation that the proposed location of the Irrigation Filter Station would conflict with
11 the route being considered for the piping of the Murdock Canal.

12
13 **Jennifer Tucker closed the public hearing at 7:45 pm.**

14
15 **Brent Wallace moved to recommend that the City Council NOT grant the**
16 **Conditional Use Permit for a below-grade pressurized irrigation filter station as**
17 **submitted with the additional conditions because it does not meet the requirement of**
18 **“underground”. It is the consensus of the Planning Commission that underground**
19 **means covered. Seconded by Don Blohm. The motion passed with a unanimous vote.**

20
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22 **Item 4: Define “Common Household” ~ Public Hearing and Recommendation**

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

29
30 Staff and Commissioners discussed typographical corrections to the draft presented.

31
32 **Jennifer Tucker opened the public hearing at 7:51 pm and hearing no public**
33 **comment closed the public hearing.**

34
35 **Roger Dixon moved to recommend that the City Council approve the addition of the**
36 **definition of “Common Household” to Section 10-102, 12: Definitions as follows:**

37
38 **Common Household - Living quarters in which the occupants share common:**

- 39 **a. Living and eating areas**
40 **b. Laundry facilities**
41 **c. Primary access from outside the building**
42 **d. Access to all rooms within the building**

43
44 **Seconded by Melissa Wright. The motion passed with a unanimous vote.**

1 **Item 5: Temporary Outdoor Sales, Commercial Retail Zone/ Town Center**
2 **Overlay – Code Addition/Amendment ~ Discussion**

3
4 Lonnie Crowell explained that several Highland City residents and business owners have
5 requested approval for temporary sales within Highland City. Opinions have been
6 expressed that this opportunity would allow Highland businesses to gain additional sales
7 and provide Highland residents with a place to gather. The intent of the proposed
8 ordinance is to allow for “sidewalk sales” which may be conducted in front of a business
9 or within the parking lots of the Commercial Retail Zone and Town Center Overlay
10 Zone. The City Council has reviewed a similar ordinance for the C-1 Zone; staff
11 recommends that the proposed ordinance for the Commercial Retail Zone and the Town
12 Center Overlay be consistent with the approved ordinance for the C-1 Zone.

13
14 A Commissioner suggested adding a requirement under Detrimental Effects that the
15 debris be removed following the event.

16
17 Concerns were raised that the ordinance presented to the City Council for the C-1 Zone
18 may have been too lenient; Commissioners questioned whether businesses would set up
19 permanent sales. It was suggested that the word “permanent” be removed from
20 Permanent Outdoor Inventory Storage to relay a stronger meaning.

21
22 A public hearing is scheduled for the meeting on June 9, 2009.

23
24
25 **Item 6: Highland Village/Coventry Landscaping ~ Discussion**

26
27 Lonnie Crowell explained that staff has been informed of concerns regarding landscaping
28 requirements within the Town Center Transitional Housing Overlay Zone (Coventry
29 Subdivision) and the Town Center Overlay Urban Zone (Highland Village Subdivision).
30 It is staff’s opinion that the current ordinance is very limiting with regards to altering or
31 enhancing the landscaping; the ordinance states that the landscaping cannot be altered
32 from the plan which was submitted when the ordinance was adopted.

33
34 Both developments have two separate and distinctly different landscaping areas. The
35 first area is the landscaping that is immediately adjacent to and surrounding each main
36 structure; this is referred to as “private area”. The second area is the “common area”
37 which is comprised of all of the remaining property within the development with the
38 exception of the building, road, and driveway. It is staff’s interpretation that the intent
39 was to designate the “common area” as open landscaped ground as was originally
40 approved and should be protected from encroachment by the homeowners. Staff would
41 also suggest that the landscaping in the “private area” be flexible enough to allow the
42 homeowners to enhance and improve the landscaping beyond the plan that was submitted
43 with the approved ordinance.

1 Commissioners collectively agreed that defining the two separate landscaping areas
2 appears to be a positive proposal. A public hearing is scheduled for the meeting on June
3 9, 2009.

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6 **Item 7: Planning Commission Recommendations ~ Discussion**

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8 The Planning Commission requested the opportunity to present ideas, concerns, and or
9 proposed Code Amendments/Additions of which they have authority. The following
10 items were discussed:

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12 **Bonus Density Fee** - A Commissioner expressed his opinion that it is not equitable to
13 require residents living in an Open Space subdivision to pay a fee to help maintain the
14 public open space when the remainder of the city is not required to pay the fee. Lonnie
15 Crowell explained that fees are set by the City Council, but the Planning Commission can
16 recommend amending the fee requirement in the ordinance for future subdivisions.
17 Lonnie Crowell also stated that the developers and original homeowners from the Open
18 Space subdivisions signed an agreement to pay the fee. Questions were raised whether
19 there is a moratorium on Open Space subdivisions. Lonnie Crowell clarified that there is
20 not a moratorium and that the decision to allow Open Space subdivisions is up to the City
21 Council.

22
23 **Noxious Weeds in Vacant Lots** – Commissioners discussed vacant lots that don’t appear
24 to be maintained and the potential fire hazard created by the weeds on those lots. A
25 question was raised regarding who is responsible for the damage if the weeds on a lot
26 were to catch on fire. Lonnie Crowell explained that the owner of the vacant property
27 would be responsible. A Commissioner asked if the City could have a way to direct lot
28 owners to create a clean environment on their vacant lot. Lonnie Crowell referenced
29 ordinances from nearby cities, such as having the City cut down the weeds and placing a
30 lien against the land for payment.

31
32 **Solicitors** – A Commissioner inquired whether door-to-door solicitors, ice cream trucks,
33 etc. are permitted in Highland. It was noted that the individuals are required to acquire a
34 solicitors license from the City that they must carry with them. Carly LeDuc suggested
35 asking to see the license when solicitors knock on the door. It was also noted that it is
36 illegal for solicitors to approach a home with a “No Solicitors” sign.

37
38 **Retail vs. Non-Retail** – A Commissioner summarized a discussion with Jim Olsen,
39 President of Utah Retail Merchants Association. It was noted that if Highland City would
40 like more retail, the retail guidelines may need to be revisited. Lonnie Crowell added that
41 Jim Olsen had previously appeared before the City Council to share the same suggestion.

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43
44 Meeting adjourned at 8:20 pm.