

Highland City Planning Commission

September 8, 2009

PRESENT: Commissioner: Tony Peckson, Acting Chair
Commissioner: Melissa Wright
Commissioner: Kelly Sobotka
Alternate Commissioner: Abe Day

EXCUSED: Commissioner: Don Blohm
Commissioner: Roger Dixon
Commissioner: Brent Wallace

STAFF PRESENT: City Planner: Lonnie Crowell
City Engineer: Matthew Shipp
Secretary: Kiera Corbridge

OTHERS: Trixie Walker, Michael Brooks, Kathryn Schramm, Lynn Ritchie, Chris Dalley, Randall Tea, Lorraine Tea.

Meeting Convened at 7:00 pm
Prayer given by: Kelly Sobotka
Pledge led by: Melissa Wright

Item 1: Michael Brooks Small Wind Energy Conversion System Conditional Use Permit Application Cup for Michael Brooks ~ Public Hearing and Recommendation

Lonnie Crowell explained that Michael Brooks, owner of property located at 4716 W Caddie Lane is requesting a Conditional Use Permit to construct a Small Wind Energy Conversion System on his property per the requirements of Section 3-622(4)(d) Small Wind Energy Conversion System of the Highland City Development Code. The applicant is proposing a 33.5 foot wind turbine (40.3 feet with blade and rotor); the ordinance permits a wind turbine to be a maximum of 51 feet 8 inches in height.

The wind turbine is required to be located a minimum of 50% of its height (20.15 feet) from the nearest property line and a minimum of 110% of the tower height plus the turbine blade length (44.33 feet) from all overhead utility lines, dwellings, accessory structures, and public roads. The proposed location does not meet the minimum setback

required from the home; however, the tower may be moved closer to the property lines to meet the required setbacks.

Tony Peckson opened the public hearing at 7:02 pm.

Michael Brooks, applicant, requested clarification regarding the setback requirements from his own residence; he stated that his understanding from previous meetings was that the setback did not include his own residence. Lonnie Crowell confirmed that the Planning Commission had discussed excluding the primary residence but the City Council moved to include the residence in the setback requirements. Mr. Brooks emphasized his opinion that the proximity to a residence should not be a concern because the turbines are designed to withstand high wind speeds.

Lonnie Crowell stated that the City Administrator of Cedar Hills had expressed concern regarding the view from the adjacent trail and that the turbine may act as a distraction to the golfers. A Commissioner asked if the turbine pole is available in a more earthtone color to help reduce the visual impact from the nearby Cedar Hills Golf Course. Michael Brooks explained that the poles are made of galvanized steel and would need to be painted and maintained. He acknowledged that a concern of the Cedar Hills Golf Course may be regarding the noise created by the turbine, however he stated that the noise created wouldn't be much more than an air conditioner.

Commissioners expressed opinions that the liability of the wind turbine rests with the homeowner, eliminating the need for the primary residence to be included in the setbacks.

Kathryn Schramm, Highland City Councilwoman, noted that the printed record of the motion approving the Small Wind Energy Conversion System ordinance was not available so the exact wording of the City Council's motion could not be referenced. She expressed her opinion that Mr. Brook's application should be approved because his window of opportunity to apply for a federal rebate will be closing soon. Kathryn Schramm also expressed her hope that Highland City will be seen as a "far sighted" city.

Randall Tea owns the property across the street from the applicant. Mr. Tea stated that he had initial concerns regarding the visual impact of a 42 foot turbine, but commented that the location seems unobstructed and that the canyon has a lot of wind that he feels should be harnessed.

Randall Tea expressed concern about the potential impact of Small Wind Energy Conversion Systems constructed on smaller lots and requested clarification regarding the Conditional Use Permit process. Lonnie Crowell explained that a Conditional Use Permit application is based on a use that the City has found acceptable. Upon receipt of the application, a public hearing would be held to provide adjacent property owners an opportunity to comment on the application and the Planning Commission is given the chance to require additional conditions as defined in the ordinance. If all of the requirements are met, the City is obligated to approve the Conditional Use Permit.

Randall Tea stated his opinion that the layout the Cedar Hills Golf Course should not impact the wind turbine and that painting the steel would make the wind turbine more obvious to the golfers.

Tony Peckson closed the public hearing at 7:17 pm.

Commissioners suggested excluding the primary residence from the setbacks to allow the wind turbine to be constructed closer to the home. Michael Brooks stated that the proximity to the home would not be a benefit as the wind patterns may affect the efficiency of the tower. Mr. Brooks explained that his concern is the height; his understand is that a higher tower makes a significant difference.

Melissa Wright moved to recommend that the City Council approve the Michael Brooks Small Wind Energy Conversion System Conditional Use Permit Application with the clarification that the 110% excludes the primary dwelling. Kelly Sobotka seconded. Unanimous vote, motion carried.

Item 2: Planning Commission Recommendations ~ Discussion

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

Highland City Parks Spreadsheet – The Commissioners reviewed the parks spreadsheet requested in previous meetings. Typographical errors and missing information were discussed. Matthew Shipp noted that the neighborhood acceptance was calculated using requests from the residents.

Town Center Exaction Fees – The Planning Commission discussed and requested clarification regarding the exaction fees associated with property within the Town Center Overlay Zone. Lonnie Crowell clarified that exaction fees were put in place to “pay back” the cost of the improvements that have been installed (curb, gutter, street, etc.) and that the fee is calculated according to the square footage of the property. Staff provided a copy of the Development Agreement between the City and the property owners; all property owners would need to agree to any alteration of the agreement.

Commercial Zone Requirements – A Commissioner questioned why new business in the Commercial Retail Zone are required to obtain a Conditional Use Permit while new businesses in the C-1 Zone are required to obtain a Building Permit. Lonnie Crowell explained that the zones have different requirements based on how they were approved; however, the zones can always be amended.

Meeting adjourned at 7:45 pm.