

Highland City Planning Commission

September 22, 2009

PRESENT: Commissioner: Brent Wallace, Chair
Commissioner: Don Blohm
Commissioner: Kelly Sobotka
Commissioner: Melissa Wright
Commissioner: Tony Peckson
Commissioner: Roger Dixon
Alternate Commissioner: Abe Day

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

OTHERS: Chris Dalley, George Wilson, Wesley Burt, Jeanne Christen, Rosella Miller, Kathryn Schramm, Brian Braithwaite, Trixie Walker, Lynn Ritchie, Scott Smith.

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

Item 1: Approval of Minutes for August 11, 2009

Melissa Wright moved to approve the Meeting Minutes for August 11, 2009, as amended. Seconded by Roger Dixon. Unanimous vote, motion carried.

Item 2: Election of a Planning Commission Chair and Vice Chair

Per ordinance, the Planning Commission will vote on a new Chair and Vice Chair due to a vacancy created by the resignation of the previous Planning Commission Chair.

Commissioners were given an opportunity to request that they be excluded from the vote.

By ballot vote, the Planning Commission elected Brent Wallace as the Planning Commission Chair and Tony Peckson as the Planning Commission Vice-Chair.

Item 3: Miller's Acre Plat B Subdivision Application – Consideration for Preliminary Approval ~ Public Hearing and Recommendation

Lonnie Crowell explained that Mr. and Mrs. Burt, prospective owners of approximately 4565 West 11150 North (currently part of the Miller property), are requesting Preliminary Approval of a two lot subdivision. The proposed Lot 2 is approximately 33,700 square feet and proposed Lot 3 is approximately 43,560 square feet in size. The existing residence has approximately 173 feet of frontage along 11200 North and the proposed Lot 3 will have approximately 215 feet of frontage along the proposed "Canterbury Road" which would connect to Spruce Drive. The alignment of the existing road in the Spruce Estates subdivision and the road alignment for the proposed Millers Acre Plat B subdivision were determined years ago during the Final Approval stages of the Spruce Estates Subdivision and a proposed Mountain View Meadows development to the west.

A concern during the development of the Spruce Estates subdivision was in regards to the ditch along the south end of the proposed subdivision and north end of the Spruce Estates Subdivision Plat. According to the Lehi Ditch Company, the Petersens (owners of property to the west) are the only end user remaining on this ditch. The applicant and the Petersens have come to an agreement regarding the ditch; the applicant will continue the pressurized irrigation system to the Petersens property so the ditch will no longer be needed and will most likely be buried.

A major item of discussion is related to the installation of improvements along 11200 North. Members of the Miller family have stated that during the development of Millers Acre A the City agreed to a delay of the improvements for 11200 North until such time that the City understood where and how 11200 North would be developed. The City has a draft record that the Miller's may have posted a \$3100.00 bond with the Bank of American Fork for the improvement of curb, gutter, and sidewalk along the frontage of Miller Acres Plat A; however, the City does not have a copy of official/signed records indicating that the bond was posted nor of an agreement regarding the delay for the improvements. George Wilson, surveyor for this subdivision and for the original Millers Acre Plat A subdivision provided the following information:

"Millers Acre was recorded July 25, 1995 by the city of Highland. I happened to be the surveyor involved. Boyd Wilson was the City Engineer at the time. If you would go out and look at the street, you will see it climbs about 8 – 10 percent grade and then drops off into the gravel pit. There was no way anyone could design curb & gutter grades along this stretch of street without knowing the final elevation of the reclaimed gravel pit to the east that is why Boyd Wilson decided to delay construction, rather than guess and run the risk of taking it all out later. Of course an agreement was given, or the city never would have recorded the plat. That is certainly a form of proof an agreement was given. Lloyd Hanson and Boyd Wilson should be contacted to see if they can remember the details. I remember discussing it with Boyd Wilson and that he signed off on it so the plat could be recorded, which it was. Proposed Plat "B" is part of this vertical curve at the very end of the street."

During the development of Spruce Estates, the developer and the owner of Westroc were in negotiation regarding an access from the northeast side of the bulb at the end of Spruce Drive. This would provide Westroc with additional options when they decide to cease the gravel operation and develop the property as a residential subdivision. This may or may not be a possibility in the future per the decision of the City Council; however, this should be noted on the plat for potential land owners if it does occur in the future.

Lonnie Crowell also relayed concerns expressed by Maren Mouritsen, owner of the adjacent property owner to the south. She is concerned that the City will require the road to be built on her property at a future point in time and has stated that she is not interested in developing her property. Mr. Crowell explained that this would leave almost half of the proposed "Canterbury Road" unfinished and create potential access to Ms. Mouritsen's property. Staff is concerned that someone may try to drive onto her property once "Canterbury Road" is installed along the applicant's property. The applicant is interested in delaying the construction of the additional 38 feet of right-of-way that extends beyond the required 130 feet of frontage until the road is continued to the west. Although this may partially resolve the concern of access to Ms. Mouritsen's property, staff feels it may be difficult to obtain the funds from the property owners at the time of the road construction. Staff believes a temporary fence may resolve the concern by identifying the edge of the street and the edge of Ms. Mouritsen's property. There is a question as to whether this fence should be required of the Owner/Developer/Applicant as a result of an impact created by the development of this property or if this is a safety precaution taken by the City. Lonnie Crowell suggested that the Planning Commission should make a recommendation regarding this requirement.

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

Jeanne Christen, daughter of Mr. and Mrs. Miller, owns the property to the west of the Millers. She recalled that when Millers Acre Plat A was developed, a portion of her father's ground was given to the city for a cul-de-sac as part of an agreement to delay the installation of the improvements. Mrs. Christen stated that the logic behind the agreement was that the improvements would have to be torn out and reinstalled when the final alignment of 11200 North was decided. She added her opinion that it seems illogical to install improvement before the alignment is decided.

George Wilson, surveyor/civil engineer of the proposed Millers Acre Plat B, stated that he had also been the surveyor for Millers Acre Plat A in 1995. He reiterated the history of the potential cul-de-sac and added that if the improvements along 11200 North are required to be installed with the development of Millers Acre Plat B, the road, curb, and gutter would follow the current road grade. He further explained that sewer, water, and other utility lines would need to be moved prior to lowering the road grade. A Commissioner questioned how a change in the road grade would affect the existing lots. George Wilson explained that the residences could still be accessed by altering the driveways.

A Commissioner invited Wesley Burt, applicant, to address the Planning Commission. Mr. Burt also expressed his opinion that installing the improvements along 11200 North is unnecessary if the road will be realigned at a later point.

Mr. Burt then expounded on his agreement with the Petersens regarding the existing ditch. He stated, according to his understanding, the ditch was intended to be a temporary solution for the Petersens until the pressurized irrigation system was extended through the proposed Mountain View Meadows development; however, when the development was withdrawn, the ditch remained as the Petersen's only access to the water. Mr. Burt then explained that the cost of redirecting the existing ditch would exceed the cost of continuing the pressurized irrigation system through the proposed "Canterbury Road". He made an agreement with Mr. Petersen to continue the pressurized irrigation system, provide the required "hook ups" and funds towards a pressurizer, thus eliminating the need for the ditch.

Commissioners implored that the Burts reconsider the name of the proposed road. They explained that multiple existing subdivisions and roads include the name "Canterbury" and suggested using an alternative name to avoid confusion. Wesley Burt stated that his wife's maiden name is Canterbury and it has been her dream to live on "Canterbury Road".

A Commissioner then invited Rosella Miller to address the Planning Commission. She summarized that as she and her husband get older it becomes more difficult to maintain the full lot, so they would like to sell a portion.

Brent Wallace closed the public hearing at 7:35 pm.

Commissioners requested clarification regarding the status of the bond posted for the improvements along Millers Acre Plat A. Lonnie Crowell explained that the City has an unsigned draft of the agreement but no substantial confirmation that a bond was posted; staff is waiting for confirmation from the Bank of American Fork.

A Commissioner asked if the \$3,100.00 bond would cover the cost to complete the improvements along Millers Acre Plat A. Lonnie Crowell answered that it would not be enough according to current prices and that if the City decided to complete the road, the City would be responsible for the difference in the cost.

Concerns were expressed regarding the width of the proposed "Canterbury Road". Lonnie Crowell explained that the previous alignment of the proposed road connecting to the Mountain View Meadows subdivision has now laid "Canterbury Road" approximately two feet short of the required "half plus twelve" (half road plus 12 feet). Mr. Crowell reiterated that Maren Mouritsen is opposed to extending the road into her property. Commissioners discussed the potential benefits of a delay agreement and a bond for the improvements.

A Commissioner asked George Wilson to define the 300 foot vertical curve. Mr. Wilson explained that the curve of the road grade begins along the Miller's property and that the road grade increases about 12 vertical feet from that point. He reiterated that irrigation lines, water lines, and other utility lines would need to be lowered along with the road. Mr. Wilson summarized with his opinion that lowering and completing the road would be

much more financially feasible for a future developer of the Westroc property than it would be for the Millers.

Lonnie Crowell noted that the City cannot require offsite improvements from another developer.

A Commissioner restated that it seems illogical to require 157 feet of improvements that will be torn out in the future.

Commissioners asked for clarification regarding the staff recommendation of a fence/barrier. Lonnie Crowell explained that a barrier of some fashion may prevent any access to Maren Mouritsen's property. The Planning Commission discussed who would be responsible to install and pay for the fence/barrier. Lonnie Crowell stated that he would request a letter from the City Attorney regarding this concern.

Tony Peckson moved to continue the item until additional information can be obtained from the City Engineer, property owners, and the Bank of American Fork. Seconded by Roger Dixon. Unanimous vote, motion carried.

Item 4: Section 3-610 Clear View of Intersecting Streets – Code Amendment ~ Public Hearing and Recommendation

Lonnie Crowell explained that The Public Works Department and City Engineer have recently researched federal, state, and adopted City regulations to create a consistent requirement for the “site distance safety triangle” required at the corner of each intersection. The purpose of this ordinance is to provide a clear view of oncoming traffic and/or pedestrians when turning at an intersection. The existing regulation is not consistent throughout the Highland City Development Code or with the “City Specifications” (used by the previously contracted City Engineer). Staff is recommending that Section 3-610 be amended to create consistency.

****Matthew Shipp arrived at 7:57 pm****

Brent Wallace opened the public hearing at 7:57 pm and hearing none closed the public hearing.

Commissioners questioned the tree canopy minimum height restrictions. Matthew Shipp explained that the heights specified are written to maintain clear visibility. He added that there are allowances for young trees to mature, but they are trimmed once the canopy interferes with the flow of traffic.

Concerns were voiced regarding enforcement of the existing violations. Matthew Shipp stated that the immediate problems are addressed but it is his observation that few corner residences have heavy landscaping within the site triangle. Lonnie Crowell further explained that the Code Enforcement officer addresses fences in violation, generally according to complaints filed with the City.

Matthew Shipp summarized that the purpose of the proposed amendment is to establish a consistent standard from which to measure the site distance safety triangle.

Roger Dixon moved to recommend that the City Council adopt an Ordinance to Amend Section 3-610 Clear View of Intersecting Streets to be consistent with the presently adopted Transportation Specifications and Engineering Recommendations per the recommendations of staff. Seconded by Don Blohm. Unanimous vote, motion carried.

Item 5: 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:

Exterior Lighting on the Alpine Credit Union Building – A Commissioner raised the issue of the lighting on the Alpine Credit Union building; exterior lights are shining into neighbor’s homes. Carly LeDuc explained that staff has talked to several individuals that work at Alpine Credit Union and that the issue is being addressed. Mrs. LeDuc added that she was visiting the site that night to evaluate the situation.

Meeting Minutes – Commissioners requested that the Meeting Minutes be available for review prior to the following meeting.

Future Items – A Commissioner suggested the addition of a “Future Items” portion to the Planning Commission Agendas to allow the Commissioners additional time to prepare for discussions. Lonnie Crowell stated that staff presents the Planning Commission with items as soon as is legally possible; however, he agreed to add any future items when available.

Additional Street Lights – A Commissioner asked if the City is planning to install additional lighting along city streets. Matthew Shipp explained that street lights are installed according to the lighting plan standard set by the City Council. If a neighborhood would like additional street lights, he recommended that they make a request at a City Council Meeting.

Kelly Sobotka moved to adjourn the meeting. Seconded by Tony Peckson. Unanimous vote, meeting adjourned at 8:18 pm.