

1 **Highland City Planning Commission**  
2 **May 13, 2008**

3  
4 Present:

5 Commissioner: Jennifer Tucker

6 Commissioner: Brent Wallace

7 Commissioner: Elizabeth Macfarlane

8 Commissioner: Tony Peckson

9 Commissioner: Melissa Wright

10 Commissioner: Don Blohm

11  
12 Alternate: Abe Day

13  
14 City Planner: Lonnie Crowell

15 City Engineer: Matt Shipp

16 City Planner: Carly LeDuc

17 Secretary: Jill Stewart

18  
19 Excused: Kelly Sobotka, Roger Dixon

20  
21 Meeting convened at 7:02pm

22 Prayer given by: Tony Peckson

23 Pledge given by: Elizabeth Macfarlane

24  
25 Visitors: Vu Hamilton, Tracy Dinh, Scott Rasmussen, Courtney Beckstrand, Todd  
26 Beckstrand, Shelly Beckstrand, Kelson Shepherd, Christy Johansen, David  
27 Uraume, Nick Callunlos, Chase McCain, Beltursun Ularbekuulu, Diana Searle,  
28 Kyle Searle, John Montgomery, Susanne Lindberg, Jonathan Lindberg, Per  
29 Lindberg, Parley Holliday, Austin Strasburg, Josh Holgreen, Erick Nicolosi, Sean  
30 Kleiman, Karen Pflueger, Sherry Berry, Scott Keate, Jay Taylor, Michael Wilson,  
31 Brady Rairclough, Jon Christiansen, Rocky Schutjer, Dale Asay, Greg Finley, Jeff  
32 LaMay, Gabie Toress, Jessica Zepoda, Carolyn Owen, Stephanie Monsen, Ellen  
33 Ingerson, Jeff Mitchell, Chuck Olsen, Jan Dowling, James T. Snodgrass, Todd  
34 Berry, Leon Nelson, Grant Flygane, Casey Garrett, Starlee Squires, Laryn Hill,  
35 Nicole Garrett, Melanie Keate, Cheryl Rasmussen

36  
37 **Item 1: Christy's Antiques - Home Furnishings Conditional Use Permit ~ Public**  
38 **Hearing and Recommendation**

39  
40 Carly Leduc explained that Christy Johansen has met all of the requirements of the  
41 C1 zone and there are no problems with the conditional use permit.

42  
43 Christy Johansen came forward to answer any questions the Planning Commission  
44 had.

1 Melissa Wright asked if the business hours will be 10am-6pm.

2  
3 Christy Johansen said yes.

4  
5 Jennifer Tucker opened the public hearing.

6  
7 There were no comments from the public.

8  
9 Jennifer Tucker closed the public hearing.

10  
11 **Motion by Elizabeth Macfarlane, Planning Commission to recommend that City**  
12 **Council grant approval of Christy's Antiques Conditional Use Permit as per the**  
13 **recommendations of staff as follows:**

- 14  
15 **1. That the hours of operation be limited from 6:00 am until 12:00 am.; and**  
16 **2. That the business not be open on Sunday; and**  
17 **3. That the applicant strictly adhere to all of the sign ordinances within the**  
18 **Highland City Development Code and the C-1 Zone; and**  
19 **4. That all the lighting associated with this business (signage) be turned off**  
20 **between the hours of 12:00 am and 6:00 am except security lighting which may be**  
21 **turned on by motion sensor only; and**  
22 **5. That all lighting only be directed toward the office building; and**  
23 **6. That the applicant adhere to all other restrictions required within the C-1 Zone.**

24  
25 **Seconded by Brent Wallace.**

26 **Unanimous vote, motion carried.**

27  
28 **Item 2: Christy's Sign Application ~ Sign Permit Approval**

29  
30 Carly LeDuc explained that everything looks fine with the sign permit and all  
31 requirements have been met.

32  
33 **Motion by Tony Peckson, Planning Commission to grant approval of Christy's**  
34 **Sign Application as per the recommendations of staff as follows:**

- 35  
36 **1. That the applicant construct a sign consistent with plans approved by Planning**  
37 **Commission; and**  
38 **2. That the wall sign does not exceed 5% of the facade area or 100 sq ft; and**  
39 **3. That the wall sign operational hours be between 6:00 am and 12:00 am.**

40  
41 **Seconded by Don Blohm.**

42 **Unanimous vote, motion carried.**

1 **Item 3: Nails & Spa Too Conditional Use Permit ~ Public Hearing and**  
2 **Recommendation**

3  
4 Carly LeDuc stated that all requirements of the C1 zone have been met and  
5 everything looks good.

6  
7 Elizabeth Macfarlane asked the salon representative if they will be doing any  
8 permanent makeup or tattooing.

9  
10 Tracy Dinh said no.

11  
12 Brent Wallace asked what the spa includes.

13  
14 Tracy Dinh said they will do nails, facials, and facial massages.

15  
16 Brent Wallace stated that the term spa seems like wide an open word.

17  
18 Discussion ensued about the definition of the word spa and if the definition includes  
19 massage and if so, what types of massage.

20  
21 Brent Wallace asked if staff is comfortable with this term spa.

22  
23 Lonnie Crowell said yes.

24  
25 Don Blohm asked how big the tenant space is.

26  
27 Tracy Dinh said approximately 1400 sq ft.

28  
29 Jennifer Tucker opened the public hearing.

30  
31 There were no comments from the public.

32  
33 Jennifer Tucker closed the public hearing.

34  
35 Elizabeth Macfarlane stated that she would like to add a restriction for permanent  
36 makeup and tattooing to the motion.

37  
38 **Motion by Tony Peckson, Planning Commission to recommend that City Council**  
39 **grant approval of Nails & Spa Too Conditional Use Permit as per the**  
40 **recommendations of staff and Planning Commission as follows:**

- 41  
42 **1. That the hours of operation be limited from 6:00 am until 12:00 am.; and**  
43 **2. That the business not be open on Sunday; and**  
44 **3. That the only type of massage that the applicant be permitted to do is facial**  
45 **massage; and**  
46 **4. That the business may not be permitted to do permanent makeup or tattoo; and**

- 1 **5. That the applicant strictly adhere to all of the sign ordinances within the**
- 2 **Highland City Development Code and the C-1 Zone; and**
- 3 **6. That all the lighting associated with this business (signage) be turned off**
- 4 **between the hours of 12:00 am and 6:00 am except security lighting which may be**
- 5 **turned on by motion sensor only; and**
- 6 **7. That all lighting only be directed toward the office building; and**
- 7 **8. That the applicant adhere to all other restrictions required within the C-1 Zone.**

8  
9 **Seconded by Elizabeth Macfarlane.**

10 **Unanimous vote, motion carried.**

11  
12 **Item 4: Nails & Spa Too Sign Application ~ Sign Permit Approval**

13  
14 Carly LeDuc explained that items 4 and 5 of the staff recommendations need to be  
15 met before the applicant's sign permit can be issued.

16  
17 **Motion by Brent Wallace, Planning Commission to grant approval of Nails & Spa**  
18 **Too Sign Application as per the recommendations of staff as follows:**

- 19
- 20 **1. That the applicant construct a sign consistent with plans approved by Planning**
- 21 **Commission; and**
- 22 **2. That the wall sign does not exceed 5% of the facade area or 100 sq ft; and**
- 23 **3. That the wall sign operational hours be between 6:00 am and 12:00 am; and**
- 24 **4. That the insignia portion (whales) of the sign be reduced from 29% to 20%; and**
- 25 **5. That the sign be scaled down from 8.8% to fulfill the allowable 5% of the total**
- 26 **square footage of the facade**

27  
28 **Seconded by Melissa Wright.**

29 **Unanimous vote, motion carried.**

30  
31 **Item 5: Highland Marketplace Lot 6, Building D ~ Architectural Approval**

32  
33 Lonnie Crowell explained that the applicant was here two weeks ago and the  
34 Planning Commission recommended approval of the site plan. The architectural  
35 approval was continued until a color rendering and a color board could be seen by  
36 the Planning Commission. He explained that there had been a few changes from  
37 before. He referred to the overhead projector and showed where the rock columns  
38 had been added as well as the addition of the rock where there had previously been  
39 stucco.

40  
41 John Montgomery said that they had added quite a few keystone features.

42  
43 Lonnie Crowell stated that staff recommends that the trim details contrast in color  
44 with the stucco and that the stucco contrast with the rock. He suggested having these  
45 things be a little different to offset one another.

1 Abe Day asked whether he wants it to be lighter or darker.

2

3 Lonnie Crowell stated he has no preference.

4

5 Don Blohm said he remembered from the last meeting that the windows were going  
6 to be lowered and wondered what was done with that.

7

8 John Montgomery explained that another colleague did the rendering and some  
9 things may have changed slightly. He explained that having the windows low is a  
10 security risk as well as there are shelves on the interior of the window wall which are  
11 a concern. The architect did not think that spandrel glass would work because of  
12 security reasons. John Montgomery stated that if the Planning Commission wants to  
13 recommend lower windows he will take the suggestion back to the architect.

14

15 Jennifer Tucker explained that the Planning Commission has been requiring all  
16 buildings to have windows like this. It would be inconsistent to allow one building  
17 to not have the same windows that were required of the other buildings that were  
18 located deeper in the Town Center. She expressed that it is a big point for approval.  
19 She stated that Melissa Wright brought up in the last meeting about the spandrel  
20 glass and Jennifer Tucker said she feels there should be some way to make these  
21 windows fairly secure. She said she realizes there are issues and feels there is some  
22 room for compromise.

23

24 Jennifer Tucker explained that the Planning Commission told Ace Hardware they  
25 could use the spandrel glass and they could be used for displays. She said she  
26 thought the spandrel glass is good for advertising. She asked if there was any success  
27 with designing the arch on the roof.

28

29 John Montgomery explained that they want to maintain a certain parapet height to  
30 hide the heating and cooling units on the roof and have those be as least visible as  
31 possible and did not know if this would be possible with the arches.

32

33 Abe Day showed a drawing he made with what he envisioned the arch to look like.  
34 Everyone liked the look of the arch.

35

36 Jennifer Tucker stated that the wall signs are not acceptable and clarified that John  
37 Montgomery knows that.

38

39 John Montgomery said is he aware and knows they will have to comply with city  
40 code. He said that if you want to make the City Council approval be based on a  
41 materials board we can do that too. He explained that they are working with an out  
42 of state architect and that the color boards are not here yet.

43

44 Melissa Wright asked who decides on the color.

45

1 Lonnie Crowell said the Planning Commission will give a recommendation and the  
2 City Council ultimately approves everything in the CR zone. These colors are  
3 consistent with all others in the shopping center.  
4 Abe Day expressed that the Planning Commission is not okay with the bone white  
5 color. He asked if the signs are lit.  
6  
7 Lonnie Crowell said they are and he thought they are pan channel letters.  
8  
9 Jennifer Tucker said that they cannot see all of the features of the building because of  
10 the 2D drawing. She said they wanted to see a color board to see the depth of the  
11 different materials and colors to get a better idea.  
12  
13 John Montgomery explained that Walgreens has a blackout period for construction  
14 and would like to get this project moved forward and would be happy to have  
15 recommendations from the Planning Commission to be able to go forward to City  
16 Council.  
17  
18 Jennifer Tucker said that they are interested in a cohesiveness of the project. She  
19 suggested leaving this up to staff to make a decision on the color board and asked  
20 Lonnie Crowell if it was acceptable with him to have these renderings and colors  
21 emailed to him and for him to decide.  
22  
23 Lonnie Crowell said yes.  
24  
25 Abe Day asked if there could be three renderings to see different color schemes.  
26  
27 John Montgomery said that should be fine.  
28  
29 Melissa Wright asked about the windows.  
30  
31 Jennifer Tucker explained that we should state exactly what we want in the motion.  
32  
33 Elizabeth Macfarlane said she can see the security concerns Walgreens has and  
34 wondered what the height is from the ground.  
35  
36 John Montgomery said it is about 8 feet.  
37  
38 Tony Peckson asked if the windows could just have a wall behind it.  
39  
40 John Montgomery stated that was done on building B.  
41  
42 Lonnie Crowell said he does not want to see black spandrel glass.  
43  
44 Don Blohm asked if the window designs and drawings could be emailed to Lonnie  
45 Crowell as well for a decision.  
46

1 John Montgomery said that would be fine if is what the Planning Commission  
2 wants.

3  
4 Melissa Wright expressed that her concern is that what the Planning Commission  
5 had asked for previously is not here.

6  
7 John Montgomery suggested that a time limit be placed on this if that would help.

8  
9 Lonnie Crowell explained that the Planning Commission is simply making a  
10 recommendation and that the applicant does not have to follow that when they go to  
11 City Council.

12  
13 **Motion by Abe Day, Planning Commission to recommend City Council grant**  
14 **approval of Highland Marketplace Lot 6, Building D Architecture that is to be**  
15 **modified to meet the Planning Commission recommendations as follows:**

16  
17 **1. That the building have four arches at the corners to be more consistent with the**  
18 **existing buildings;**

19 **2. That three different color scheme renderings be submitted to show more**  
20 **contrast with the trim around the windows and with the stucco behind the**  
21 **signage; and**

22 **3. That the architect design the parapet windows to be consistent/compatible**  
23 **with the existing buildings; and**

24 **4. That the renderings and color schemes be emailed to staff and the Planning**  
25 **Commission within 7 business days.**

26  
27 **Seconded by Brent Wallace**

28 **Unanimous vote, motion carried.**

29  
30 **Item 6: T-Mobile Wireless Cell Monopole, Antenna, Equipment Shelter -**  
31 **Technical Necessity Exception/Conditional Use Permit ~**  
32 **Public Hearing and Recommendation**

33  
34 Lonnie explained that T-Mobile has requested an 80' telecommunications tower near  
35 the cemetery on 6130 west; adjacent to the rock wall along the road next to Highland  
36 Elementary School. This location was determined from a fieldtrip the applicant had  
37 with city staff. Staff has looked much closer at this location and determined the  
38 current plans for this area are a drop off zone for the elementary school and a  
39 sidewalk to access the school for the children. If the cell tower is placed in the  
40 cemetery it will be behind the rock wall and will include the equipment shed in the  
41 city's equipment shelter that will be used for cemetery supplies. The city has a fairly  
42 strict ordinance on cell towers. Cities are required to make locations for monopoles  
43 such as this one. Currently we allow cell towers on city property.

44  
45 Brent Wallace asked if it is school property where the tower was originally planned.

46

1 Lonnie Crowell stated that property is owned by Highland.

2  
3 Melissa Wright asked what frequency the tower will use to tie in to the  
4 infrastructure.

5  
6 Rocky Schutjer said that if he understands the question correctly that there will be  
7 power and a land line telephone.

8  
9 Don Blohm asked if other sites have been looked at.

10  
11 Lonnie Crowell stated that the cemetery is only property the city owns in this area.  
12 The tower was originally on school property, but the ordinance has since been  
13 amended and no longer allows this. There is the area near Wendy's with an existing  
14 cell tower, but the Radio Frequency (RF) study, that was completed by an  
15 independent RF engineer and paid for by T-Mobile that is required by ordinance,  
16 says that site is not adequate for their needs. We can provide areas for towers, but  
17 we are not able to tell them they cannot put one in a particular location based on  
18 what we feel unless it is specifically restricted in the ordinance. Lonnie Crowell  
19 explained that unless the ordinance specifically leaves out the cemetery as a location  
20 then we have to allow it.

21  
22 Rocky Schutjer handed out a document to the Planning Commission and staff of an  
23 independent study that T-Mobile was required to provide showing the lack of cell  
24 phone coverage in this particular area.

25  
26 Elizabeth Macfarlane stated she needs more time to review the document. She said  
27 she knows there is money that the city is getting from this and would like to know  
28 where the money is directed.

29  
30 Lonnie Crowell stated that he does not know how much money city would be  
31 getting from this. He explained that this is something that the city subcontracts  
32 through City Scape. They do the lease agreements for us; it is all based on what the  
33 current requirements and statistics are across the country.

34  
35 Rocky Schutjer said he did approach City Scape to get the process started and they  
36 wanted him to go through the permitting process first.

37  
38 Jennifer Tucker stated that the City Scape contract is something we will want further  
39 clarification on. She asked about the tower that was placed on Ridgeline  
40 Elementary; the Planning Commission was told when that tower came through the  
41 city by a different individual from T-Mobile that if the tower was allowed then no  
42 others would be needed within the city.

43  
44 Rocky Schutjer said he understands that the Planning Commission was told in the  
45 past that there would not be a need for another monopole; he said he is not certain  
46 why they were told that. He explained that it is a hard thing to know the needs for

1 cell phone coverage. Technology changes constantly and therefore it is difficult to  
2 accurately depict master plans.

3  
4 Jennifer Tucker said that with technology changing it seems like there would be  
5 fewer poles rather than more.

6  
7 Rocky Schutjer said he has an engineer here that could address that.

8  
9 Brent Wallace asked what the health issues are and what there is in the way of  
10 studies showing health affects. He asked if the towers interfere with radio and T.V.  
11 reception. He then asked if there is a lack of cooperation of different companies to  
12 use the same towers.

13  
14 Rocky Schutjer said that regarding health concerns, the FCC heavily regulates this  
15 industry. He explained that all towers operate on a licensed frequency and there  
16 should not be any interference. He is not aware of any studies that confirm any  
17 health concerns. He explained that they strive to cooperate and work with other  
18 companies, this is cheaper for them.

19  
20 Brent Wallace asked if we have had Sprint, AT&T, or Verizon expressing lack of  
21 coverage in this area

22  
23 Rocky Schutjer said he cannot speak for them and that everyone's sites are different.  
24 T-Mobile is trying to provide seamless coverage. The pole they are proposing is co-  
25 locatable.

26  
27 Elizabeth Macfarlane said she would like to see a letter of guarantee that the tower is  
28 not operating off of microwaves. She said driving down University Avenue, in  
29 Provo, that unless you know what you are looking for you do not see the tower that  
30 is disguised as a pine tree. In Lindon, there is a tower that is also a flag pole and it is  
31 more appealing than just a tower. She requests to make the cell tower not so  
32 unsightly.

33  
34 Lonnie Crowell explained that the Federal Telecommunications Law of 1996 states  
35 that denial of a cell tower cannot be based off of health concerns. It is not up to a  
36 municipality to decide if we need the service; they are providing a service we all use.

37  
38 Jennifer Tucker said that it is overly burdensome for Highland City to have all of cell  
39 towers when they are serving other cities as well.

40  
41 John Christiansen came forward representing T-Mobile and stated he is an RF  
42 engineer and also a resident of the city; he lives in area of the proposed tower. He  
43 said that neighbors come to him with troubles they experience with their phones. T-  
44 Mobile is limited to where they can place a tower in Highland City. He expressed  
45 their interest in the Strasburg Park, but it is not city property. Highland Elementary

1 is therefore their next best spot, but the tower cannot go on school property; so they  
2 have to go to the cemetery to be on city property.

3  
4 Jennifer Tucker opened the public hearing.

5  
6 Scott Keate said that the proposed cell tower is directly behind his backyard. He and  
7 his wife have gathered signatures from the neighborhood on a petition. He said that  
8 generally cell towers are located near industrial parks or near large buildings. He  
9 feels that the proposed location is not a good site.

10  
11 Melanie Keate said that the corner of 6000 West and SR 92 where there is already a  
12 tower would be a great location for this tower.

13  
14 Jennifer Tucker explained that the city does not own that property.

15  
16 Melanie Keate asked about the viewing house location in the cemetery for the tower  
17 site.

18  
19 Lonnie Crowell explained that the current ordinance requires a 200 foot set back  
20 from the highway there. We would have to amend the municipal code to allow a  
21 structure within 200 feet of the highway at this suggested location.

22  
23 Jennifer Tucker asked if the tower was moved to the viewing chapel if the collocation  
24 of the equipment shed would still be okay.

25  
26 Lonnie Crowell stated there would need to be a separate shelter.

27  
28 Parley Holiday Jr. asked why the property that is near 6400 West and 10400 North  
29 could not be used. He stated that it is not as residential as the proposed cemetery  
30 site. This suggested area is by Mitchell Hollow. He said there are trees in this area  
31 that would break up the view better than at the cemetery. He said it is 100 feet from  
32 any home and T-Mobile could get the coverage they need. He said there are already  
33 things located in this area that are not cosmetically appealing and the cell tower  
34 would therefore go better at this location.

35  
36 Discussion ensued on where this location is.

37  
38 Jennifer Tucker stated that this site is something that could be better addressed by a  
39 T-Mobile representative as to whether or not it is feasible for the coverage they are  
40 seeking.

41  
42 John Christiansen, contracted RF engineer for T-Mobile, said he was not aware of  
43 this depiction.

44

1 Parley Holliday Jr. stated that the property is where there is a pump station, a fairly  
2 large site. It is not in a ravine; it is up out of the ravine and the canal is up above the  
3 ravine. This site is over 100 yards from the park.  
4

5 Brent Wallace expressed that this may be a better site location to these residents, but  
6 we will have the same meeting with those people in this new area.  
7

8 Parley Holliday Jr. asked the Planning Commission to look how far away the tower  
9 would be from those residents. He stated that the cemetery site does not have any  
10 overhead wires and it would be 20 years before trees will be big enough to hide the  
11 tower. At the Mitchell Hollow location there is the canal and no home will ever go  
12 next to the canal; which creates a natural break. Also, the tower will not be next to  
13 1500 kids; he feels this is slightly hazardous to kids and it would be better site at  
14 Mitchell Hollow.  
15

16 John Christiansen said that not having known of this location he would like the  
17 ability to go look at it. He would like to consider this site.  
18

19 Jennifer Tucker stated that with the revelation of this new site that we may want to  
20 continue this item. She said that the Planning Commission will still hear the public's  
21 comments, but does need to know where we are headed.  
22

23 Jay Taylor stated he has been a resident of Highland for years and he was very  
24 selective on where his family chose their second home in Highland. His property  
25 borders the cemetery and has unobstructed views. He paid a premium for the lot he  
26 is on with good reason and does not want to see a cell tower placed here.  
27

28 Stephanie Monson said she sits on her front porch and sees views of the mountains  
29 and does not want a cell tower obstructing these views. She does not want to see  
30 another cell tower in the city. She said she is a T-Mobile customer and gets coverage  
31 just fine. She expressed that regardless of the service provider that in basements and  
32 hollows you cannot always get coverage; you will get dropped calls occasionally.  
33

34 Chuck Owen wondered if the residents can get a copy of the study T-Mobile  
35 provided.  
36

37 Lonnie Crowell said it is public record and he can put it on the website.  
38

39 Chuck Owen said that no other providers are proposing towers and he is not certain  
40 why T-Mobile needs one.  
41

42 Jan Dowling stated she likes the cemetery and would hate the thought of the cell pole  
43 being there. She wondered width of cell tower.  
44

45 John Christiansen said it could be as wide as 4 feet or as narrow as 2 feet.  
46

1 Jan Dowling asked if it is up to T-Mobile to provide proof of necessity.

2  
3 Lonnie Crowell said that is correct.

4  
5 Parley Holliday Sr. said he feels it would be a serious mistake to put the tower where  
6 it is proposed. In 1998 the proposal was made to put a cemetery in at its current  
7 location; it is a very special place to a lot of people. He explained that his next door  
8 neighbor has a pacemaker and the cardiologist said either a relay station, microwave,  
9 or towers stopped his pacemaker in the past. The cardiologist explained that if he  
10 got too close to something that it could cut off the pacemaker.

11  
12 Scott Rasmussen explained that he had an office in West Jordan that was about 2 ½  
13 acres. There was a cell site proposed in the back of the property. Because of  
14 negotiations and the cell tower site ended up with a new location which was closer to  
15 the river and about 25 feet lower in elevation; so he knows that there are often other  
16 location alternatives. He has not complained about cell service at all in Highland  
17 and has had service for about 10-12 years. He said that the Smith's Marketplace in  
18 Lehi would be a great area for this tower.

19  
20 John Christiansen stated that the purpose of this tower is to improve service from  
21 behind Highland Elementary and to southern Highland. He explained that anyone  
22 can go to the T-Mobile website and look at the coverage locator for areas that may  
23 not be covered.

24  
25 Karen Phlueger said that T-Mobile is ultimately driven by money; she is driven by  
26 something else. By law how many towers do we have to have in our city? She said  
27 that an alarm goes off in her head when a law says that we cannot base approvals off  
28 of health concerns. She thinks it should be looked in to. Also, the study should be  
29 looked at more carefully given T-Mobile funded it.

30  
31 Jennifer Tucker stated that an alternative may be for the city to pay for another  
32 study.

33  
34 Karen Phlueger asked where they can go to get health concerns addressed.

35  
36 Per Lindberg said he moved to Highland from Sweden. His concern is not  
37 necessarily with the ugly tower or depreciation, but with the health issues. He  
38 explained that cell phone towers radiate small amounts of radiation; similar to  
39 microwave ovens. He stated that it is unthinkable to put a cell tower next to a school  
40 in Sweden; they do not put them into residential areas either. He stated that the cell  
41 towers do not need to be put directly into residential areas; they can be placed  
42 outside of these areas and still provide coverage. He read from an article from the  
43 *World Health Organization* that stated some effects of microwave radiation from cell  
44 towers are: cancer, reduced fertility, memory loss, adverse changes in behavior, and  
45 development of children.

1 Abe Day asked if there are any laws concerning environmental impacts we can argue  
2 on this matter.

3  
4 Lonnie Crowell said he would have to discuss that with the city attorney.

5  
6 Elizabeth Macfarlane expressed we need to look at the undue burden on the area.

7  
8 Sherry Berry explained that the fence opening where Lonnie Crowell talked about  
9 for the kids to access is right across from where the cell tower is being proposed. She  
10 said she does not live by this, but her kids go by it everyday. She asked why it has to  
11 be on city property.

12  
13 Jennifer Tucker explained that by being on city property we have control, whereas if  
14 they are placed anywhere else we cannot control them.

15  
16 Sherry Berry asked why T-Mobile or other service providers go after the schools for  
17 locations.

18  
19 John Christiansen explained that there is not one single way to go.

20  
21 Jeff LaMay stated that at one time he was a cell phone dealer. He questions the  
22 fundamental right to have 100% coverage everywhere. There are other companies  
23 out there; what gives one company the right to have 100% coverage everywhere?

24  
25 Leon Nielson said he is a Verizon user and he travels around the state and has not  
26 seen one cell tower in a cemetery; this is a sacred place. He proposes that the  
27 location be in the parking lot of new city building or outside of the old city building.

28  
29 Melanie Keate said she is not certain when this decision has to be made, but would  
30 ask the Planning Commissioners to drive by the location and the Ridgeline  
31 Elementary cell tower and see it in person and as to how tall the tower is.

32  
33 Rocky Schutjer stated that they appreciate everyone's comments. He has kids and he  
34 understands the concerns. There is not concrete evidence as far as health risks are  
35 concerned. An issue that all providers struggle with is residential area coverage. He  
36 stated that they do not pick on schools; we try to partner with them. In residential  
37 areas there are not good locations for towers; schools provide setbacks and other  
38 opportunities to mitigate. He explained they are working within Highland City's  
39 current telecommunications ordinance; everything they have presented complies  
40 with the ordinance.

41  
42 Jennifer Tucker closed the public hearing.

43  
44 Jennifer Tucker thanked the public for their comments and told them the Planning  
45 Commission is only a recommending body to City Council and that the residents  
46 need to voice their concerns to them as well. She explained that the public can check

1 future agendas on the city's website as there will not be another public hearing on  
2 this item regarding this location. She suggested calling or emailing the council  
3 members with their concerns and opinions.

4  
5 Lonnie Crowell explained that City Council, Planning Commission, and city staff  
6 are required to follow the law and they will protect the residents as much as they can.  
7 He said he has been trying to contact the city attorney to determine how many cell  
8 towers the city can or is obligated to have.

9  
10 Elizabeth Macfarlane expressed to residents to show up to City Council meetings,  
11 call City Council members, and call state legislators about these matters. She said  
12 she does not know why we keep having problems with T-Mobile's coverage. She  
13 suggests postponement of this item because T-Mobile would like to look at another  
14 area. She said it needs to be looked at for making the tower look like a tree and the  
15 trees around it will grow up eventually. Also, look at the undue burden on an area.  
16 She moved that this item be postponed until we can hear from T-Mobile again.

17  
18 Tony Peckson asked in regards to City Council meetings whether there is an  
19 opportunity for the public to make comments about upcoming agenda items or items  
20 that are not on the agenda.

21  
22 Lonnie Crowell explained that City Council will be made aware of this item before it  
23 is on their agenda as an action item. City Council will have already done their  
24 homework at the time they make their decision.

25  
26 Don Blohm expressed his concern of the bias on this T-Mobile study. He asked if  
27 the city could or would validate this study.

28  
29 Lonnie Crowell stated that the ordinance allows City Council to get another study if  
30 they would like.

31  
32 Don Blohm asked if it could be reconsidered whether the tower is necessary given  
33 that we do have coverage even though it may not be as much coverage as what T-  
34 Mobile may want. If the residents are satisfied with the amount of coverage; he  
35 asked if the applicant would consider withdrawing their application completely.

36  
37 Lonnie Crowell stated that would have to be discussed with the city attorney.

38  
39 Don Blohm asked if the city is legally obligated to allow another tower.

40  
41 Lonnie Crowell said that would be more than two towers for T-Mobile and he would  
42 need to ask the city attorney.

43  
44 Abe Day asked if accessibility is allowed for a communications network in the city  
45 does that fulfill that requirement and then is it up to the citizens and their taxpayer  
46 dollars to determine what happens.

1  
2 Discussion ensued regarding existing cell towers in Highland City.

3  
4 Brent Wallace expressed that it is not in the best interest to make an affirmative  
5 decision tonight. He said he appreciates the T-Mobile employees and their patient  
6 and calm demeanor throughout tonight's meeting. We need to explore the  
7 fundamental need to have a tower, have another study done by someone that the city  
8 chooses, and look at an alternative site.

9  
10 **Motion by Elizabeth Macfarlane, Planning Commission to continue Item 6 until**  
11 **the following questions/suggestions can be answered/explored:**

- 12  
13 **1. How many telecommunication towers is the city obligated to have; and**  
14 **2. Are the cell phone providers entitled to 100% coverage in the city; and**  
15 **3. Explore the area across from the Mitchell Hollow Park and the area of the**  
16 **Viewing Chapel near SR 92 as alternate locations; and**  
17 **4. What exactly are the federal regulations on telecommunication towers; and**  
18 **5. Look at an option for disguising the tower; and**  
19 **6. Determine if we are able to have another study completed about the area and its**  
20 **coverage other than the one provided by T-Mobile, as it could be bias.**

21  
22 **Seconded by Don Blohm.**

23 **Unanimous vote, motion carried.**

24  
25 **Item 7: Natural Resource Extraction Zone - Code Addition ~**  
26 **Public Hearing and Recommendation**

27  
28 Lonnie Crowell explained that the intent is to provide for a recharge area at the  
29 mouth of the canyon. The intent of this property, which was acquired through the  
30 acquisition of the Highland Water Company, is to create a recharge pond.

31  
32 Matt Shipp explained that water recharge is when the water that is not being used is  
33 taken, in high water years or something to that effect, and charged into the ground.  
34 The idea is during low water times you have a bank of water you have injected into  
35 the ground and it is recognized by the state as your water rights. This process  
36 reduces pumping costs due to high water. Matt Shipp further explained that an  
37 aquifer already exists here. There are some monetary and consequential values to  
38 this.

39  
40 Matt Shipp explained that these are water rights we have. There is a coalition we  
41 have that includes surrounding cities such as: Lehi, Highland, Pleasant Grove,  
42 American Fork, Cedar Hills, Lindon, Alpine, and we are currently talking with  
43 Saratoga Springs and Eagle Mountain. All of those water rights can be injected into  
44 the ground and be used as bank water.

45  
46 Melissa Wright clarified that these cities would have rights to that water as well.

1  
2 Matt Shipp said that is correct.  
3  
4 Brent Wallace asked if the main source would be from the American Fork River.  
5  
6 Matt Shipp stated that is correct. We have CUP water that we have a take or pay  
7 contract for.  
8  
9 Don Blohm asked if there is a reason why not to do it.  
10  
11 Matt Shipp said that there is no reason not to. It is a natural location. The debris  
12 basin to the south is an injection point as well for groundwater. He does not see any  
13 negatives as far as water conservation and cost savings. We have some things we  
14 have to work with the state on. We have received a grant from CUP to study the  
15 groundwater in that area.  
16  
17 Don Blohm asked if there are potential negative aesthetic impacts.  
18  
19 Matt Shipp said no, it looks like it does right now. There are some things we can do  
20 to make it look a little better. He explained that there is a reclamation plan that has  
21 to be completed when the pit mining is finished.  
22  
23 Elizabeth Macfarlane asked how long will the pit go on for.  
24  
25 Matt Shipp stated that all we have been given is the estimate of 5 to 8 years.  
26  
27 Lonnie Crowell stated that from the gravel extraction we will receive some funds.  
28  
29 Matt Shipp explained that the other cities that are participating in this have water  
30 rights to the water too. He stated that the whole idea is conservation of water.  
31  
32 Elizabeth Macfarlane voiced concern that Highland City ends up getting caught  
33 paying for other cities.  
34  
35 Matt Shipp explained that we happen to be at the mouth of the canyon and it makes  
36 sense to inject or have an aquifer at the top. Through the association the other cities  
37 pay costs to be a part of this. They will share the costs in the study. They are all  
38 willing to do that; they understand it is a conservation issue.  
39  
40 Melissa Wright asked if the pond will be right where the water tanks are.  
41  
42 Matt Shipp said approximately. He said there is a chance that SR 92 or 4800 west  
43 may be able to use the rock from this extraction zone.  
44  
45 Brent Wallace asked what changed with Westroc's involvement from the last  
46 Planning Commission meeting.

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Matt Shipp explained that Lonnie Crowell and he were involved in some meetings, but they are no longer involved and therefore are not entirely sure why Westroc is no longer involved.

Brent Wallace asked who will extract the rock.

Matt Shipp stated it will be whoever we can contract.

Jennifer Tucker opened the public hearing.

Layrn Hill said that he lives in the Viewpoint subdivision. He stated that to add this new facility changes the outlook whereas he knew the gravel pit was on the way out when he bought his home. He wondered what can be done about the noise impact with the crushing of the rock. He wants the end outcome to be something nice. He is not certain, but wondered if the rock can be trucked elsewhere to be crushed. As the hill goes down noise will only get worse. He said he would love to see the area develop into a community park.

Elizabeth Macfarlane expressed that she has received two calls from people who want to see it as a park.

Brent Wallace asked what the value of the rock is.

Lonnie Crowell stated approximately one to two million dollars. He explained that the rock could be removed and taken elsewhere to be crushed.

Discussion ensued about crushing the rock, the value of it, and its uses.

Don Blohm said that this operation could run as long as 5 years, but do we know how long it is likely to take given the size?

Matt Shipp said he is not certain; it will depend on where the rock goes. The ordinance allows for 5 years.

Jennifer Tucker closed the public hearing.

Jennifer Tucker asked about the acronym, NREZO, that was used in the packet. She asked to take out the second "zone" later on in the packet and refer to the acronym as used above.

Lonnie Crowell said that was fine to do and he would make the necessary changes.

Elizabeth Macfarlane asked what happens if they are not done mining at the end of the five years.

1 Lonnie Crowell said that the city would pull the bond and finish the project  
2 immediately whether that would be to complete the restoration plan.  
3  
4 Don Blohm referred to page 62, Question 5 of the Planning Commission packet and  
5 asked if that statement means that the park will not happen until the recharge pond is  
6 completed.  
7  
8 Lonnie Crowell explained that is entirely up to the City Council.  
9  
10 Don Blohm asked if the park can be put in when the gravel is extracted.  
11  
12 Lonnie Crowell said that it can.  
13  
14 Brent Wallace asked if the location of where Westroc is mining is city property or if  
15 Westroc owns it.  
16  
17 Lonnie Crowell explained that a portion of the property is theirs and a portion is still  
18 in the county.  
19  
20 Discussion ensued.  
21  
22 Brent Wallace asked if there is ever a problem with surrounding property owners  
23 having groundwater issues.  
24  
25 Matt Shipp explained that is something the study is looking at.  
26  
27 **Motion by Don Blohm, Planning Commission to recommend that City Council**  
28 **grant approval of the NREZO code addition drafted by staff and two additional**  
29 **findings of the Planning Commission that the acronym NREZO be used when**  
30 **referring to this zone and that in the code the second “zone” be taken out so it**  
31 **does not read zone zone.**  
32  
33 **Seconded by Melissa Wright.**  
34  
35 **Motion by Elizabeth Macfarlane, Planning Commission to amend the original**  
36 **motion to state that City Council require there to be a park put in the Natural**  
37 **Resource Extraction Zone at the end of the 5 year extraction period.**  
38  
39 **Seconded by Melissa Wright.**  
40 **Unanimous vote, amended motion carried.**  
41  
42 **Unanimous vote, original motion carried as stated.**  
43  
44 **Item 8: Definition of “Attached” Structure ~ Discussion**  
45

1 Carly LeDuc explained that staff would like the Planning Commission to define  
2 attached structure. She stated that currently all accessory structures combined  
3 cannot exceed 5% of the entire lot size. She explained that residents are coming in  
4 and want to add another structure, but they are already at the 5% maximum of their  
5 lot size. Carly Leduc further explained that we have been having problems with  
6 residents knowing the 5% restriction and therefore coming in and adding more to  
7 their house to get around the accessory structure restriction. The addition on the  
8 home only has to be attached by the roofline. We are trying to avoid problems like  
9 this.

10  
11 Lonnie Crowell explained that there are people who are building to every buildable  
12 square foot of their lot minus the setbacks.

13  
14 Elizabeth Macfarlane referred to section 3-4-109 of the code and asked that it takes  
15 care of attached or unattached.

16  
17 Lonnie Crowell said that a home only needs to meet setbacks.

18  
19 Melissa Wright clarified that if a structure is attached by the home's roofline then it is  
20 then considered a part of the home.

21  
22 Carly LeDuc said that staff recommends the connectivity of the roofline, foundation,  
23 and one common wall, and also an interior access. She stated that she talked with  
24 the city's building inspector and discussed concerns and other suggestions which are  
25 listed on page 72 of the packet.

26  
27 Brent Wallace asked how staff discovers this is happening.

28  
29 Carly LeDuc explained that the residents have to come in for a building permit and  
30 we look at their lot size and see if there are any other detached structures on their  
31 property.

32  
33 Jennifer Tucker stated she likes the recommendations.

34  
35 Abe Day asked if there are complaints from people.

36  
37 Carly LeDuc said yes that people complain that the supposed attached structure has  
38 an odd roofline and does not look good. She stated that there are setback  
39 requirements that homes have to meet.

40  
41 Don Blohm asked about the common wall that Carly LeDuc referred to earlier.

42  
43 Carly LeDuc said it will be defined with attached structure, but right now a common  
44 wall is just defined as attached by the roofline.

1 Melissa Wright asked about people who do want a breezeway in their home, if it will  
2 be considered a detached structure if it is only connected by the roofline.

3  
4 Carly LeDuc said yes.

5  
6 Carly LeDuc asked the Planning Commissioners to think about this and we will  
7 further discuss it next time. Staff will bring a proposed definition of attached  
8 structure.

9  
10 **Item 9: Conditional Uses ~ Information**

11  
12 Lonnie Crowell asked the Planning Commissioners to read the information in the  
13 packet that has been provided for them. He explained that we want to make it easier  
14 for new businesses to be allowed in a building that has already had approval for a  
15 similar use without having to get a new conditional use permit.

16  
17 Jennifer Tucker said it is a good idea. She asked whether we say what we do want  
18 versus what we do not want.

19  
20 Lonnie Crowell said that is correct. He explained that right now if an applicant  
21 comes in and meets the conditions that they cannot be stopped from coming in.  
22 Currently additional requirements cannot be placed on them with more than what is  
23 in the ordinance.

24  
25 Brent Wallace said that they have found it is best to list what they will allow and  
26 then if something else comes in then it will be considered by itself.

27  
28 Elizabeth Macfarlane asked if this makes it easier for us or for the business coming  
29 in.

30  
31 Brent Wallace said both.

32  
33 Lonnie Crowell stated that we are basically saying they have to follow the law which  
34 we would enforce anyway.

35  
36 Elizabeth Macfarlane said she does not see the problem in wanting the applicant to  
37 make an appearance at a Planning Commission meeting.

38  
39 Lonnie Crowell explained that this has made a lot of businesses not want to locate in  
40 Highland City. He further explained that the city recorder and city administrator  
41 review any business license application prior to allowing them to operate in the city.  
42 This cuts down on a lot of things we may have concerns about.

43  
44 Discussion ensued.

1 Jennifer Tucker asked the Planning Commissioners to review the information that  
2 has been provided in the packet and familiarize themselves with it. This will be  
3 discussed at a later meeting.

4  
5  
6  
7 **Item 10: Public Utility Zone ~ Discussion**

8  
9 Carly LeDuc explained that American Fork currently wants to put a Pressurized  
10 Irrigation (PI) pond right here (used the overhead map) on the Alpine Highway. We  
11 want to amend the Public Utility (PU) zone ordinance to allow that to come in. City  
12 Council sent it back to the Planning Commission because originally they were going  
13 to change the boundary lines.

14  
15 Lonnie Crowell said they started that process and then changed their mind to have  
16 more control.

17  
18 Elizabeth asked what the negatives are with the amendment.

19  
20 Lonnie Crowell said no other than the area could be rezoned.

21  
22 Elizabeth Macfarlane asked why they stopped the operation on it.

23  
24 Lonnie Crowell said it is because they realized they were in Highland.

25  
26 Discussion ensued.

27  
28 Brent Wallace clarified that we are going to let them do this, but on our property so  
29 we have control.

30  
31 Carly LeDuc said that is correct.

32  
33 Jennifer Tucker said that this item will come back to the Planning Commission for  
34 further discussion.

35  
36 **Item 11: Approval of Meeting Minutes for April 22, 2007**

37  
38 **Elizabeth Macfarlane left at 11:41**

39  
40 **Motion by Melissa Wright, Planning Commission to approve the Meeting**  
41 **Minutes for April 22, 2008, as amended.**

42  
43 **Seconded by Brent Wallace.**

44 **Tony Peckson abstained**

45 **Unanimous vote, motion carried.**

1 Meeting adjourned at 11:47pm.