
Highland City Planning Commission Agenda

Date: Tuesday, January 24, 2006

Time: 7:00 p.m.

Place: 5378 West 10400 North

Item 1: Utah Power & Light Pole Repair & Replacement:
CONDITIONAL USE & PUBLIC HEARING

Item 2: Dixie Acres:
PLAT AMENDMENT & PUBLIC HEARING

Item 3: Day's Meadow:
PRELIMINARY SUBDIVISION & PUBLIC HEARING

Item 4: Approval of Meeting Minutes for January 10, 2006

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Jody Bates, secretary, 756-5751 at least 3 working days prior to the meeting.

Item 1: Utah Power & Light Pole Repair and Replacement – Conditional Use & Public Hearing

Motion:

Motion: To recommend to the City Council that they (approve/not approve) a **Conditional Use Permit** for the **Utah Power & Light Pole Repair and Replacement** subject to all conditions of staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that is not specifically identified by staff.

Recommendation:

1. That the applicant work with the City Engineer on locating any new poles and coordinate the poles to be replaced to ensure they will not be located within a curb, asphalt or sidewalk within the right-of-way as noted in the Transportation Master Plan for 10400 North.
 2. That any steel poles be Core 10 (rust brown metal) as previously required by Council.
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Background:

DeLynn Rodeback who is representing Utah Power & Light is requesting a Conditional Use Permit to repair and replace power lines along 10400 North between approximately 6100 West and approximately 6900 West. This is similar to recent repair and replacement of poles along 6000 West. Staff has attached minutes from the previous Conditional Use Permit for that project. The ordinance permits this proposed use as a Conditional Use as follows:

- 3-4108: Conditional Uses. (Amended 2/18/97, 4/21/98, 11/3/98, 1/15/02, 6/17/03, 12/2/03, 3/2/04, 6/15/04)The following buildings, structures and uses of land shall be allowed in the R-1-40 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code:
- (1) Public, private and parochial schools and grounds
 - (2) Churches, not including temporary facilities.
 - ...
 - (10) Communications and other towers, masts or towers.**
 - (11) Other uses recommended by the Planning Commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.**
 - (13) All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.**

The Public Utility Zone and Public Utility ordinance excludes power poles as a requirement to be located within that zone.

Sponsor:

Highland City - **Conditional Use Permit Procedure**

Legal Authority:

Conditional Use Permit Procedure

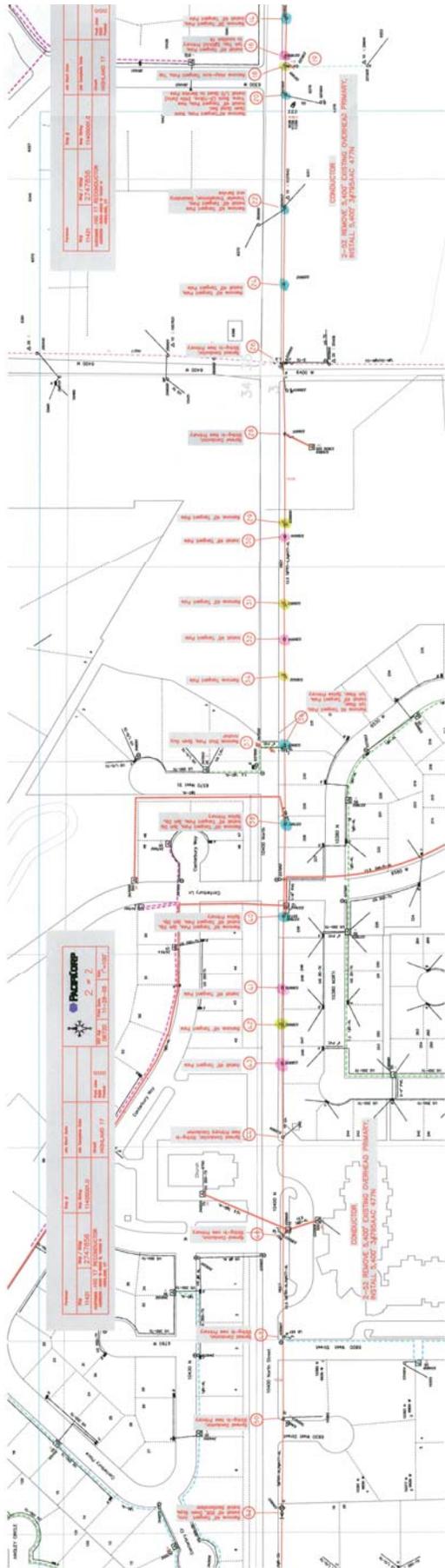
Highland City Development Code; Chapter 3 Zoning — General Requirements; Article 4.1 R-1-40 Residential Zone; Section 3-4108 Conditional Uses; Subsection (10).

Fiscal Impact:

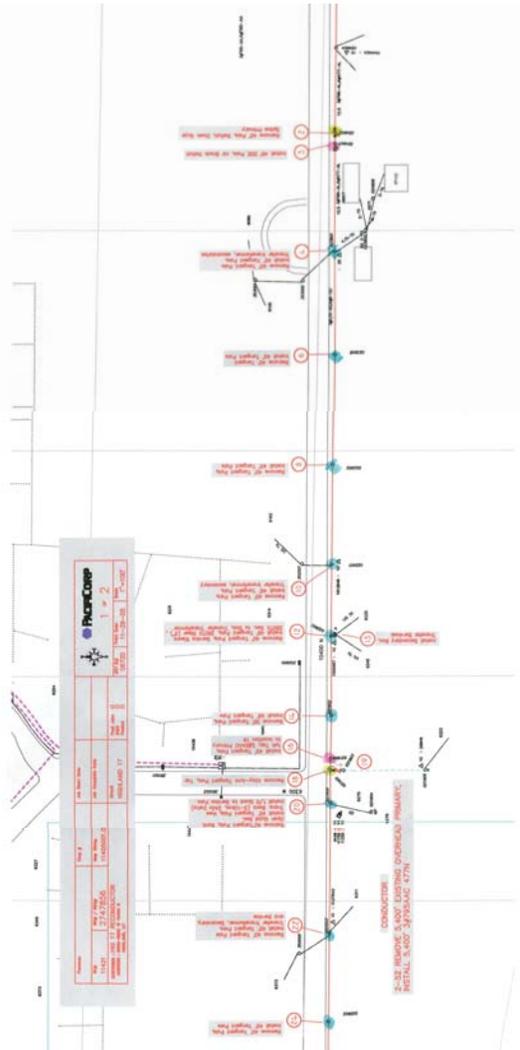
None

List of Attachments:

1. Site Plan of proposal.
 2. Minutes from the previous and similar Conditional Use Permit applications.
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- Remove Pole
 - Install 45' Pole
 - Replace existing 45' Pole with 45' Pole of same location
- Reconductor from location 2 at approximately 6050 W to location 52 at approximately 6850 W on 10400 N.
 Poles not highlighted are 45' poles which will remain at current locations.



Item 1: Utah Power & Light - Conditional Use & Public Hearing

Delynn Rodabeck stated this is a continuation of the upgrade for the power poles on 6000 West south of 9960 North. They will be replacing the existing poles with new 45' poles, wood and steel. Steve asked why they are putting in 45' poles as opposed to 40' poles. Dalynn stated 45' is the standard now.

Steve opened the public hearing.

Hearing none, Steve closed the public hearing.

Steve asked about the number of notices that went out to the surrounding properties. Notification was sent out to about 100 residents.

Motion by Mike Walch, Planning Commission recommends City Council grant Conditional Use for Utah Power and Light to replace existing poles along 6000 W, subject to all conditions and comments from Planning Commission and staff, noting that the poles will go approximately where the existing poles are and the steel poles will be painted brown and set the in the ground 5' to be the same height.

**Second by Brian Braithwaite.
Unanimous vote, motion carried.**

10. Conditional Use Permit for UP & L to Replace Existing Poles Along 6000 West

Background: The Planning Commission, in its November 23, 2004 meeting, recommended approval of a conditional use for UP & L to replace existing poles along 6000 West subject to all conditions and comments from the Planning Commission and staff and noting that the poles will go where the existing poles are and the steel poles will be painted brown.

Discussion: DeLynn Rodeback, of Utah Power and Light, indicated the request was a continuation of a previous conditional use permit to upgrade power poles along 6000 West from a 40' pole to a 45' pole. He indicated this would give more space for other utilities. He further indicated they are proposing a steel pole at the corner of 9600 North (Thornton Drive) as there is a slight angle and a steel pole gives strength. He indicated they will be painted brown. Mayor Adamson indicated it was more desirable to have core 10 poles because they are rust resistant. Inasmuch as UP & L had already installed the steel pole, Mr. Rodeback asked if the City would require replacement. Mayor Adamson suggested the pole be warranted. (Brian Brunson was not present during this discussion.)

Motion: Gwyn Franson moved to approve the conditional use permit to replace existing poles along 6000 West subject to all conditions and comments from the Planning Commission and staff, noting that the poles will go where the existing poles are, and the steel poles will be painted brown until they can be replaced with Core 10 poles. Motion was seconded by Steve King and it passed by the following: Kathryn Schramm, Glen Vawdrey, Gwyn Franson, and Steve King. Brian Brunson was absent when the vote was taken.

Item 2: Dixie Acres – Plat Amendment & Public Hearing

Motion:

Motion: That the Planning Commission recommend the City Council (grant/not grant) Approval for the **Dixie Acres Lot 8 Plat Amendment** subject to all conditions of staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that is not specifically identified by staff.

Recommendation:

Planning Staff Recommendations: The following concerns may be considered as Conditions of Approval for this subdivision as recommended by Planning staff.

- ◆ The **first concern** would be that this Plat Amendment to Lot 8 of Dixie Acres be approved and recorded prior to recording the Stoneshire Subdivision.
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Background:

Rob Clauson who owns or controls property located at 10765 North 5920 West is requesting a Plat Amendment for Lot 8 of Dixie Acres to complete Lot 2 of the proposed Stoneshire Subdivision. Lot 8 is currently 0.610 acres in size and the applicant is requesting that this be reduced to 0.508 acres (22,134.2 square feet). The property is currently located within a “non-conforming” R-1-20 zone. The proposed Plat Amendment does conform with the existing R-1-20 ordinance. The subdivision contains twelve lots between 0.30 acres and 0.61 acres. The R-1-20 zone would permit 13 lots under the current ordinance. It is staff’s opinion that this proposed Plat Amendment conforms to the ordinances of Highland City and the current requirements that would be required of this subdivision.

Sponsor:

Highland City - **Plat Amendment and Procedure**

Legal Authority:

Plat Amendment and Procedure

UC 17-27a-207; UC 17-27a-207; and UC 17-27a-608

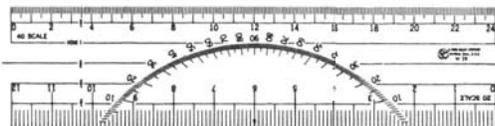
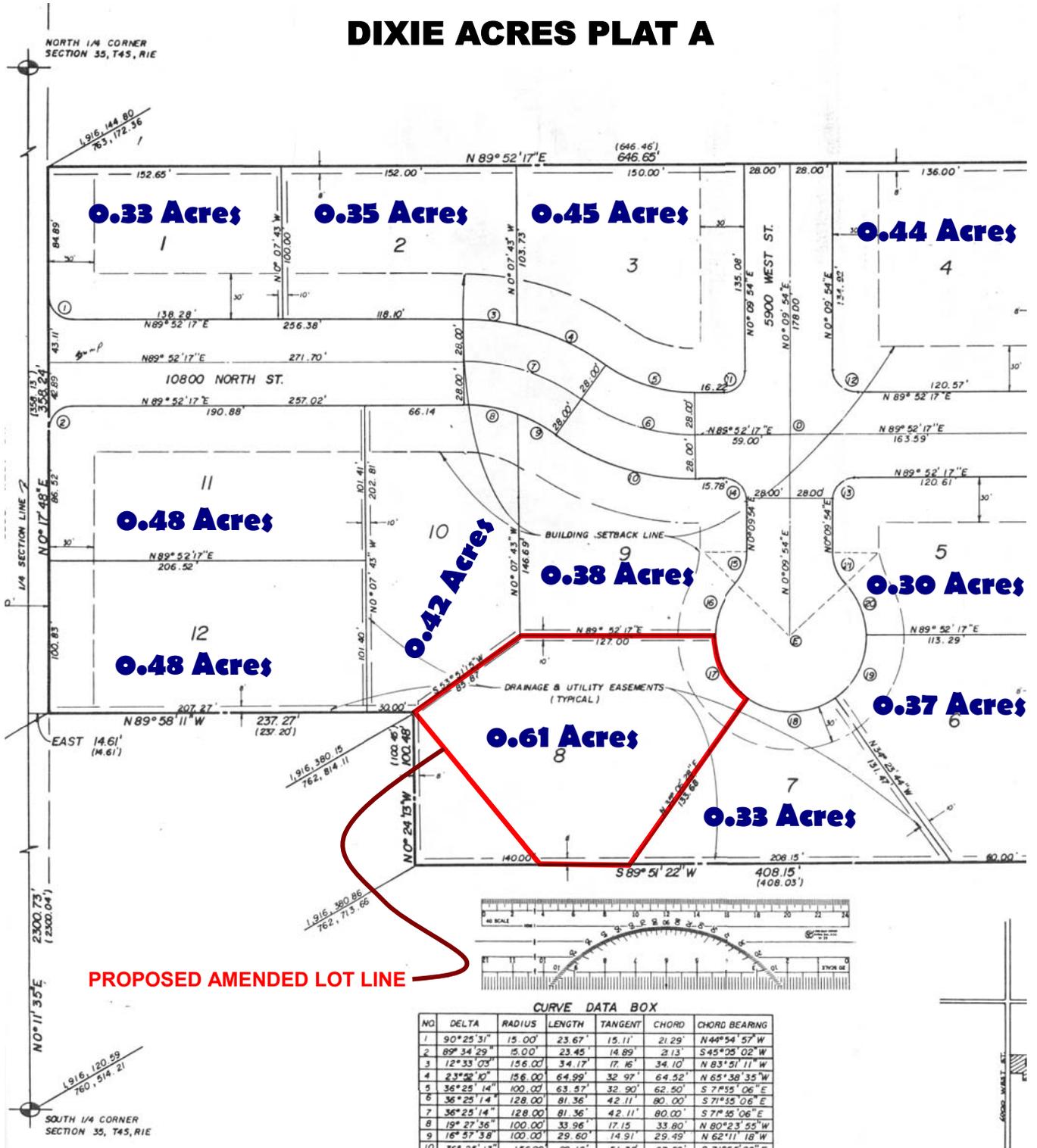
Fiscal Impact:

None

List of Attachments:

1. Proposed Plat Amendment; and
2. Dixie Acres Plat; and
3. Utah Code Sections 17-27a-207, 17-27a-207 and 17-27a-608.

DIXIE ACRES PLAT A



CURVE DATA BOX

NO	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
1	90°25'31"	15.00'	23.67'	15.11'	21.29'	N44°54'57" W
2	89°34'29"	15.00'	23.45'	14.89'	21.13'	S45°05'02" W
3	12°33'03"	156.00'	34.17'	17.16'	34.10'	N 83°51'11" W
4	23°52'10"	156.00'	64.99'	32.97'	64.52'	N 65°38'35" W
5	36°25'14"	100.00'	63.57'	32.90'	62.50'	S 71°55'06" E
6	36°25'14"	128.00'	81.36'	42.11'	80.00'	S 71°55'06" E
7	36°25'14"	128.00'	81.36'	42.11'	80.00'	S 71°55'06" E
8	19°27'36"	100.00'	33.96'	17.15'	33.80'	N 80°23'55" W
9	16°57'38"	100.00'	29.60'	14.91'	29.49'	N 62°11'18" W
10	36°25'14"	128.00'	81.36'	42.11'	80.00'	S 71°55'06" E

[17-27a-207](#). Notice for a proposed subdivision or amendment or a multiple-unit residential or commercial or industrial development.

(1) For a proposed subdivision or an amendment to a subdivision, each county shall provide notice of the date, time, and place of a public hearing that is:

(a) mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; or

(b) posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(2) Each county shall mail notice to each affected entity of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.

(3) Each county shall provide notice as required by Section [17-27a-208](#) for a subdivision that involves a vacation, alteration, or amendment of a street.

Enacted by Chapter 254, 2005 General Session

[17-27a-208](#). Hearing and notice for proposal to vacate, alter, or amend a plat.

For any proposal to vacate, alter, or amend a platted street, the land use authority shall hold a public hearing and shall give notice of the date, place, and time of the hearing by:

(1) mailing notice as required in Section [17-27a-207](#);

(2) mailing notice to each affected entity; and

(3) (a) publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the county in which the land subject to the petition is located; or

(b) if there is no newspaper of general circulation in the county, posting the property and posting notice in three public places for four consecutive weeks before the hearing.

Enacted by Chapter 254, 2005 General Session

[17-27a-608](#). Vacating or changing a subdivision plat.

(1) (a) Subject to Section [17-27a-610](#), and provided that notice has been given pursuant to local ordinance and Section [17-27a-208](#), the land use authority may, with or without a petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat.

(b) If a petition is filed, the land use authority shall hold a public hearing within 45 days after receipt of the planning commission's recommendation under Subsection (2) if:

(i) the plat change includes the vacation of a public street or alley;

(ii) any owner within the plat notifies the county of their objection in writing within ten days of mailed notification; or

(iii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) (a) The planning commission shall consider and provide a recommendation for a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6) before the land use authority takes final action.

(b) The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it, or as that time period is extended by agreement with the applicant.

(3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

(4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

(5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may not be scheduled for consideration at a public hearing before the planning commission until the notice required by Section [17-27a-207](#) or [17-27a-208](#), as applicable, is given.

(b) The petitioner shall pay the cost of the notice.

(6) Subject to Subsection (2), if the applicant proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, the planning commission shall consider the issue at a public hearing after giving the notice required by Section [17-27a-207](#) or [17-27a-208](#), as applicable.

(7) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (7)(b).

(b) The land use authority shall approve an exchange of title under Subsection (7)(a) if:

- (i) no new dwelling lot or housing unit will result from the exchange of title; and
- (ii) the exchange of title will not result in a violation of any land use ordinance.

(c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall be recorded in the office of the county recorder which:

- (i) is executed by each owner included in the exchange and by the land use authority;
- (ii) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
- (iii) recites the descriptions of both the original parcels and the parcels created by the exchange of title.

(d) A notice of approval recorded under this Subsection (7) does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

(8) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (8)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

- (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act;
- (ii) has completed a survey of the property described on the plat in accordance with Section [17-23-17](#) and has verified all measurements; and
- (iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

(d) Except as provided in Subsection (8)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is voidable.

Renumbered and Amended by Chapter 254, 2005 General Session

Item 3: Day's Meadow Subdivision – Preliminary & Public Hearing

Motion:

Motion: That the Planning Commission (grant/not grant) **Preliminary Approval** for the **Day's Meadow Subdivision** subject to all conditions of staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that is not specifically identified by staff.

Recommendation:

Planning Staff Recommendations: The following concerns may be considered as Conditions of Approval for this subdivision as recommended by Planning staff.

- ◆ The **first concern** from staff would be that any easements that are indicated in the title report will need to be indicated on the Final Plat unless they are located in a proposed right-of-way; and
- ◆ The **second concern** would be the ditch and ditch easement. The applicant will need to work with the ditch company to alter the alignment of the ditch and relocate the ditch easement; and
- ◆ The **third concern** would be a trail easement that staff has requested per the Trails Master Plan Map in the General Plan. The Planning Commission needs to request a 20 foot trail easement along the north property line on the proposed Lot 1 which turns on the northeastern property line on Lot 2 and then along the north property line of Lot 2. Also, this easement needs to be noted as "Highland City Public Parks, Public Open Space and Public Trail Easement" on the Final Plat; and
- ◆ The **fourth concern** would be that any greenbelt taxes associated with this property will need to be paid prior to recordation of the plat and the property will need to be converted to residential; and
- ◆ The **fifth concern** would be any existing structures that might be removed. The applicant will be required to obtain a demolition permit prior to the removal of these structures if determined necessary by the building inspector; and
- ◆ The **sixth concern** would be the potential issues with blowing dust and the tracking of mud into the existing right-of-way. The applicant may not need to adhere to the dust and mud prevention plan due to the minimum area being graded however the applicant will need to be aware that tracking mud and debris into the right-of-way in Highland City is not legal; and
- ◆ The **seventh concern** may be construction traffic that may access from 9600 North for homes being built in American Fork homes prior to a completed right-of-way. The city should require a temporary barrier along the city boundary until the road is complete on both sides of the boundary to limit the potential mud and debris that would be tracked onto 9600 North. This barrier may be removed when the asphalt is installed; and
- ◆ The **eighth concern** would be that the applicant include a street name in addition to the street coordinate on the final plan and final plat; and
- ◆ The **ninth concern** would be simply that the applicant will need to complete the remaining requirements for the final plat as per the checklist.

Background:

Stephen Hoyal who owns or controls property located at approximately 10665 North 6000 West is requesting a Preliminary subdivision approval for a 2 lot subdivision. The property is located within the R-1-40 Zone. The property in question is 16.91 acres in total size however this phase will encompass only 6.286 acres with a proposed density of 0.318 units per acre (zoning would allow for 1.09 units per acre or a total of 7 lots per the Development Code). The lots are 68,012 sq. ft. and 158,756 square feet in size and both easily meet the minimum frontage as required by the ordinance. The applicant is proposing that a church be located on what is shown as Lot 2. This proposed subdivision meets the requirements of the R-1-40 Zone as defined previous per the Highland City Development Code.

One concern that staff would like to inform the Planning Commission about would be a trail easement that will need to be included with this subdivision. Staff had requested an easement from the

developer because a trail has been indicated on the Parks, Trails and Recreation Map from the General Plan. The applicant has agreed to include this easement however it is not shown on the plat. Staff would like this easement to be shown on the final plan and the final plat.

Sponsor:

Highland City - **Subdivision Process and Procedure**

Legal Authority:

Subdivision Process and Procedure

Highland City Development Code; Chapter 5 Subdivisions.

Fiscal Impact:

Future maintenance of right-of-way and infrastructure associated with subdivision.

List of Attachments:

1. Preliminary Plan.
2. Illustration from Trails Master Plan Map.

