

1 **Highland City Planning Commission**
2 **June 28, 2011**
3

4 The regular meeting of the Highland City Planning Commission was called to order by Planning
5 Commission Chair, Tim Irwin, at 7:04 p.m. on June 28, 2011. An invocation was offered by
6 Commissioner Jay Roundy and those assembled were led in the Pledge of Allegiance by
7 Commissioner Kelly Sobotka.
8

9 **PRESENT:** Commissioner: Kelly Sobotka
10 Commissioner: Roger Dixon
11 Commissioner: Tim Irwin
12 Commissioner: Jay Roundy
13 Commissioner: Steve Rock
14 Commissioner: Christopher Kemp
15 Alternate Commissioner: Trixie Williams
16

17 **EXCUSED:** City Administrator: John Park
18 City Engineer: Matt Shipp
19 Commissioner: Abe Day
20

21 **STAFF PRESENT:** City Planner: Nathan Crane
22 City Attorney: Kasey Wright
23 Secretary: Jill Stewart
24

25 **OTHERS:** Chris Dalley, Rebekah Kaylor, David Kaylor, Ryan Ollerton, Cori Ollerton, Brett Burns,
26 Mark Zenger, Gary Wright, Tori Gagon, Susanne Brough, Patrick Springer, Deanne Dixon, Rex Lee,
27 Paul Edwards, Don Buhler, Kaye Buhler, Ed Gifford
28

29 **A. PUBLIC APPEARANCES**
30

31 Tim Irwin read the procedure in which the Public Hearing portion of the meeting will be conducted.
32

33 “This Planning Commission is composed of Highland City citizens who have been appointed
34 by the City Council to serve on the Commission as a civic responsibility. In the interest of
35 maintaining a fair and efficient hearing, the Commission adheres to the following steps:
36

37 The Chair calls the agenda item;
38 Staff gives a brief report and recommendation;
39 Applicant then may give a presentation;
40 Opposition and support give testimony, no more than three minutes per speaker;
41 Applicant may give a response, and
42 The Commission has a discussion and makes decision.
43

44 Anyone wishing to speak before the commission must fill out a speaker information form and
45 hand it to Nathan Crane, Community Development Director. We expect all that participate will
46 be civil in their public discourse and that they will be respectful of others whether they agree or
47 disagree with any action taken. The Commission will stand against any incivility when we see
48 it.

1 We thank you in advance for your participation.”

2
3
4 Tim Irwin invited comments from the public regarding items not on the agenda.

5
6 Hearing no comments Tim continued with the scheduled agenda items.

7
8 **B. WITHDRAWALS AND CONTINUANCES**

9
10 Tim Irwin noted that there had been one withdrawal or continuances for this meeting, as follows:

- 11
12 1. CU-11-03 Michael Raymond is requesting a Conditional Use Permit for a Church of Jesus
13 Christ of Latter-Day Saints Stake Center located at 5850 West 10400 North.
14 *Administrative. The applicant is requesting that this item be continued to the July 12, 2011*
15 *Planning Commission meeting.*

16
17 **MOTION: Roger Dixon moved to continue case CU-11-03 on the agenda as requested. Motion**
18 **was seconded by Kelly Sobtka. Unanimous vote, motion carried.**

19
20 **C. PUBLIC HEARING AND LEGISLATIVE ACTION**

21
22 **PUBLIC HEARING ITEMS:**

- 23
24 2. GP-11-02 **The Highland City Economic Development Committee is requesting to**
25 **amend General Plan Future Land Use Map to change the land use designation from**
26 **low density residential to commercial for approximately 13.8 acres generally located**
27 **north of the northeast corner of 4800 West and Cedar Hills Drive. *Legislative.***

28
29 Nathan Crane explained there is a land use map that establishes land uses throughout the city. It is a
30 long term look of what we want for the city. It can change and be updated on a regular basis. It is
31 designed to respond to existing conditions and changes as they occur. Zoning is separate from the land
32 use map. There are several zoning districts; residential and commercial, zoning portrays property
33 rights. Next in the planning process, there is the site plan that talks about design and function and how
34 it interrelates with adjacent uses. The staff role is that we are trying to take an objective review of the
35 information and make a recommendation. We look at general policies in the general plan, current
36 direction we have been given, and what future land uses will be in the future. The Planning
37 Commission and City Council has a very broad discretion on what they do. We want to get a balance
38 of the needs of the community, property owners, and adjacent property owners. It is important that we
39 are objective with how we look at things.

40
41 Nathan stated that the Economic Development Committee started at the beginning of this year. Their
42 charge was to look at ways to improve economic conditions of the city. They looked at areas where
43 we can encourage economic development. They have looked at this particular site and discussed is as
44 a commercial site and then mixed use site. The General Plan states what our desired future land use is.
45 A change to the general plan does not change the zone. It does promote the potential for future
46 rezoning. If Council approves this, it makes it easier to rezone in the future. The change would not
47 affect current property taxes. One hard thing to address when doing a general plan is compatibility
48 with adjacent properties. The plan is designed to identify future uses.

1 This site is located just north of Walmart and across from Lone Peak High School. The site is about 13
2 ¾ acres. The amendment would change the land use designation from low density residential to mixed
3 use. It will affect ten individual property owners; two governmental owners and eight private owners.
4 Notices were sent out to those property owners to solicit their input. Five were in support of the
5 amendment, two were unsure, and one owner gave no input.
6

7 The property the City owns in this area is a trail easement near the Wildrose subdivision. The property
8 the County owns is north of the existing assisted living facility. They will likely dispose of the
9 property when 4800 West is complete. Nathan went over a site analysis as to why change from low
10 density residential to mixed use. A few things staff looked at that has changed since the general plan
11 was adopted is that Walmart was built, Lone Peak High School has had an impact of the area, and the
12 approval and construction of the assisted living facility. One thing that impacts the site the most is the
13 relocation of the state road. It will be changed from the Alpine Highway (100 East in American Fork)
14 to 4800 West when the construction is complete. This will give access on 4800 West from SR92 to the
15 Pleasant Grove interchange on-ramp. The regional traffic planners say traffic will shift from the
16 Alpine Highway to 4800 West. The road will be much busier than it is today and in the future. Nathan
17 said that when commercial (retail) uses locate, they generally do so in commercial centers. Those
18 centers range from 15 to 20 acres and generally have an anchor store.
19

20 Nathan explained that in looking at this site, it was determined that it is not appropriate to connect non-
21 residential to that stub road. A great example of this is and what situations it causes is Jordan
22 Commons in West Jordan. Across the street is a neighborhood that is impacted very much by that
23 center. Another consideration of this site is that for commercial uses, it is all about visibility. There is
24 good visibility from 4800 West, but it is not so good in the back. Traffic is another consideration; this
25 is a midblock area and access in and out is a little more difficult. It helps a little that Walmart is there
26 because there is a big draw. As these things were discussed with the Economic Development
27 Committee, they decided to change from commercial to mixed use with commercial in the front and
28 residential in the rear. The residential density would likely be different than the current R-1-40 zoning
29 that allows for a slightly higher density. The thought is there are opportunities to locate general retail
30 in the front of the site, then Specialty Uses to the north (office, assisted living), and then residential in
31 the rear. Mixed uses provide some flexibility with commercial, residential, office, and institutional
32 uses.
33

34 Tim Irwin indicated that because of Roger Dixon's comment at the previous Planning Commission
35 meeting, he chose to attend an Economic Development Committee meeting. This item was on the
36 agenda, as well as the other property south of the high school that was discussed at the previous
37 Planning Commission meeting on May 24, 2011. The Commission will get minutes from these
38 meetings in the future so that they are better informed to what is happening.
39

40 Tim Irwin opened the public hearing at [7:28:26 PM](#).
41

42 Rebekah Kaylor, resides directly behind a piece of property that is affected by this proposal. The piece
43 of property is currently owned by the county. Her hope is that she could purchase that property from
44 the county and add on to her property. She indicated that she read in the General Plan that this is a
45 bedroom community and that was one of the reasons her family was drawn here. Realtors and others
46 told her there was a retail heart in the city and she feels it should stay that way. Changing the
47 designation would go against that plan. She said she spoke with Mr. Crane this morning and it was
48 explained that the city has a lot of costs with road repairs and other services that the citizens desire and
49 there has to be a way to pay for those things. Retail is left to pay for some of these things due to the

1 city having some of the lowest property taxes in the county. She said she would rather have property
2 taxes raised slightly than have something like this proposed amendment.

3
4 Rebekah stated safety will be an issue with this amendment; she has small children and this is a
5 concern for her. If retail is brought in, an unknown element is being introduced into the area. There is
6 an elementary school and high school within close proximity. There has been a bit of a drug problem
7 and the neighborhood has some experience with this. They have been able to know who should or
8 should not be in certain areas and having commercial brought in makes it difficult to know who should
9 be there or not. She also has concerns that marking this as commercial will take away value from the
10 homes. Rebekah asked to table this issue for two to three years because the traffic patterns will change
11 and we should wait to see what those patterns are before we make a decision like this. She expressed
12 that the property on the south side of SR92 just past Wells Fargo going toward 4800 West may be a
13 better area for a mixed use development.

14
15 David Kaylor, spouse of Rebekah Kaylor, added that if the state feels like traffic is going to increase
16 on 4800 West and if we are trying to determine as a city if this might be a plausible economic location,
17 we should probably wait until we verify those facts before making assumptions. An origin of
18 destination survey can be done to find out more information. This would record vehicles, where they
19 are coming from and where they are going.

20
21 Gary Wright, resident, lives directly south of the assisted living facility. He also owns property
22 directly behind an area in the Wildrose subdivision. He is in favor of the proposed amendment. The
23 current home he owns was built in 1919 and it will not be around for a lot longer. He does not feel that
24 it would be plausible to build a brand new home on his property; to commit it for the future would be
25 silly in his opinion. When he originally moved to his property, there was no Wildrose subdivision and
26 he was able to irrigate his property and have horses. When that subdivision came in, the irrigation
27 ditch was buried over. So to have a one acre residential lot in an agricultural zone has no purpose
28 today.

29
30 Mark Zenger owns the second house into the Wildrose subdivision on the north side. He is just north
31 of the assisted living center. His biggest concern is the access in to the four or five acres into the
32 property north of Walmart. He is opposed to access through his neighborhood. He is thrilled to hear
33 that the buffer between residential and commercial is a concern. There are numerous signs posted in
34 the neighborhood indicating no parking. This is a significant problem during school events in addition
35 to people turning into his street realizing it is a dead end and does not have access to Walmart. He
36 recently discovered he has a daughter who is deaf and she is not yet mobile, so he has not petitioned
37 the city yet for any regress or special needs consideration. This adds more concern for him for safety
38 of this area.

39
40 Susanne Brough has lived in Highland for 19 years. She has six children; four have attended Lone
41 Peak High School and then she has two young children. She lived in the Alpine Country Club and
42 moved about 1 ½ years ago to Wildrose Estates because the previous house backed the golf course and
43 the backyard was hazardous zone because of golf balls and she was concerned for the safety of her
44 children. Living near the high school she has seen all sorts of maneuvers with kids trying to get back
45 and forth to the school four times a day. Safety with the high school traffic is already a concern.
46 Susanne expressed she will be additionally concerned for her children if this amendment is approved.

47
48 Ryan Ollerton, resident in Wildrose Estates, indicated the residents of this subdivision are no strangers
49 to the Commission. They were here a couple of years ago with great opposition to the assisted living

1 facility. He said they received assurances that this land would not become commercial. In those
2 meetings it softened a bit that the Ashford Living Center may be the perfect buffer between 4800 West
3 and the residential area. He was dismayed when he received notice of this amendment because this
4 goes against everything they were assured. Ryan indicated that when they were here previously, there
5 were several ideas on how to make the area commercial. One of which is what American Fork has
6 done with the houses that back up to 4800 West. There is a wall that backs up to their property and
7 they enter the subdivision from the other side. He echoes the concerns for safety and privacy that have
8 been voiced. He expressed that an undefined specialty use zone makes him very uncomfortable. Ryan
9 stated he was frustrated with the assisted living facility because the things that were talked about in the
10 Planning Commission meeting were never translated into requirements for the facility. The size of the
11 walls, the lighting, the berms, the trees had to be fought every step along the way to make them comply
12 to what we thought as residents was agreed to. He feels because of this they have already been at odds
13 with the development of this property. Ryan thinks the Ashford Living Facility turned out to be a great
14 beautiful place and a great buffer.

15
16 Tim Irwin expressed many of the individuals on the Commission have changed since the assisted
17 living facility came through. It makes it difficult for this Commission to know what commitments
18 were made. It is our goal that if we agree on something that it gets added to the stipulations and it gets
19 done. An application goes to Council after the Planning Commission makes a recommendation and
20 then the Council can do what they want, so sometimes it is not even the Planning Commission that
21 makes a change.

22
23 Paul Edwards moved to the Wildrose subdivision about ten months ago from Virginia. He chose
24 Highland because of its bedroom community quality. He had a similar experience in Orem with a
25 general plan change and rezoning. He came to the city to see what the future plans were around their
26 current property before they purchased it. They were pleased to see that all around them was
27 residential. It was mentioned to them that there had been some discussion to change the area because
28 of the assisted living center, but it appeared it would remain residential. Paul said the very best
29 economic plan any city can have is to maintain clear expectations for people's property rights. His
30 concerns are that he was sent a notice early this month about this meeting and the meeting takes place
31 during most people's vacations. He returned from vacation to be at this meeting. He expressed he was
32 not sent a notice of option two. He is pleased to see option two, but it is very hard to comment because
33 they were not prepared for this. It seems odd to him to see any commercial near schools. He asks that
34 if there is a plan to move forward with this type of mixed use that we look very carefully at appropriate
35 buffers.

36
37 Robert Valentine explained he and his wife were the first home in the Wildrose subdivision. His hope
38 is that the Sherwood property, just north of the assisted living facility, will be used for a similar use as
39 the facility. He likes the idea of the second mixed use option. He feels this will increase the tax base.
40 He hopes that the Planning Commission will do its due diligence and make everyone happy.

41
42 Brett Burns indicated his property is just to the north of the proposed site. His has issues with property
43 devaluation, loss of privacy, and the bedroom community issues that have been brought up. He
44 expressed if retail is put in, even if it is option two, he will see signs, logos, bright lights, parking lots,
45 and trees. Brett said that he approached residents affected by this and they were not in favor of the
46 proposed amendment. He proposed that a better option would be to continue with residential areas
47 with 6-14 units per acre and instead of specialty use or general retail why not consider low impact
48 commercial and then to the east continue with the residential.

49

1 Roger Dixon asked for a few more examples of low impact commercial. Mr. Burns expressed perhaps
2 office space, doctor's offices, or business office space. He said businesses that are an 8am-5pm
3 community that do not impact the area with traffic, neon signs, or create a distraction to the high
4 school are preferable.

5
6 Rebecca Hoggard owns property along 4800 West. When she moved here, it was before the high
7 school, other homes, and Walmart. She said they knew there were plans to widen the road, but even
8 still, this was the area they wanted to be in. She said that no matter the amount of money, it wouldn't
9 be worth it for her to move.

10
11 Cori Ollerton echoed the concerns that have been brought tonight. She suggested adding park areas
12 because of the need for some more park space.

13
14 Tori Gagon is in favor for the commercial property. She has been here for about 25 years. When they
15 purchased the property, it was because Highland was known as a farming community. It was great for
16 their needs. When Wildrose came in, it was a great inconvenience. She had problems with her
17 animals, people asking her to remove the barbed wire fences, kids poking her dogs in the kennel,
18 among other issues. She is not in favor of option two because that cuts her property right in half. She
19 likes the commercial idea so that she can sell her property and relocate to a farm friendly community.
20 She cannot water the back two acres of her property because of the Wildrose subdivision and at the
21 time Highland City would not allow residents to hook onto the pressurized irrigation to water extra
22 acres. Therefore, her back two acres are of no use. She is in favor of the commercial rezone.

23
24 Gary Hilton, Cedar Hills resident, expressed that the former Planning Commission requirements just
25 are not kept. He asked if the six day a week would be in place for retail. Tim said there has been no
26 indication this would change. Gary suggested the commercial area be moved to the property to the
27 south of Lone Peak High School. He understands that is state property. He thinks that the state should
28 be cooperative in lessening the impact on residential areas and develop that property. He agrees with
29 low density office space if this site has to go commercial. He voiced the unsafe things happening on
30 the rear side of Walmart. He is concerned for safety. Gary said that when it comes down to things, it
31 is big business and big developers. He indicated that he kind of wishes he would have moved into
32 Highland because of the six day week for retail.

33
34 Hearing no further comments Tim Irwin thanked those residents for their comments and closed the
35 public hearing bringing the issue back to the Planning Commission for further discussion.

36
37 Trixie Williams asked if in the recent budget hearing process if people had input whether they would
38 prefer commercial or increased property taxes. Nathan explained that the Council through the budget
39 has indicated a preference not to raise taxes. There was a public hearing dealing with Lone Peak
40 public safety and there were several residents who were not in favor of raising taxes. We have a pretty
41 bare bones budget and there are services and things that are not being provided because we do not have
42 the revenue.

43
44 Tim Irwin stated that it concerns him that there is a General Plan that we go at piece by piece and make
45 changes. He said he did move here because it is a bedroom community, but is not opposed to
46 commercial. He indicated that we may need to take a look at the General Plan and not attack it parcel
47 by parcel.

48

1 Roger Dixon stated that he is concerned about reports that the requirements were not met with the
2 assisted living facility. He wanted to know if the Council made changes. Nathan said as far as the
3 specifications of City Council, the site was inspected for compliance with those things. Roger said he
4 would be very interested to know what changed.

5
6 Roger said that the idea of the city center was developed so that all commercial and retail would be in
7 this area. Every time we allow commercial or retail elsewhere, we take away from the opportunity for
8 development in the city center. He feels we need to deal with this and his previous comment before we
9 make any decisions here.

10
11 Steve Rock expressed that he has thought about and read a lot of the General Plan. He is wondering if
12 we need to look at it further and see what direction we want to go with for the city.

13
14 Tim Irwin said that this is obviously an issue where we are not going to make everyone happy. We
15 will have to continue to take a look.

16
17 Chris Kemp stated there are good arguments for both sides of the issues. He is concerned for the
18 residents of Wildrose and the impact this could have on them. We need to do whatever we can to
19 minimize those impacts. He said he is opposed to option one, maybe option two is okay, but there is
20 probably a better option three out there. Chris said he is concerned about the five acre area behind the
21 Burns homes and idea of one entrance and exit. He said he likes the idea of some sort of professional
22 office better than a commercial use.

23
24 Kelly Sobotka stated this is a unique area of our city where we border two other cities. We are trying
25 to capture some of the sales tax revenue that those cities have taken by locating businesses at the edge
26 of our city.

27
28 Tim Irwin stated that Tori brought up good points. The development of Wildrose impacted her.
29 Things do change and it is not a happy thing for everyone.

30
31 Kelly Sobotka addressed the statement that was brought up about parks. He said the city already owns
32 so much property for parks, but the city does not have the money to develop those areas. It takes
33 property tax increases or commercial revenue to build parks and that is how we survive as a city.

34
35 Chris Kemp stated it is a concern to potentially put in commercial across from the high school.

36
37 Tim Irwin reminded the Commission that we are not talking at this point about what will be located
38 there; we are talking about the future.

39
40 Trixie Williams stated that Tim's recommendation to wait and see what the overall plan is seems like a
41 good option as opposed to taking a piece meal approach. She feels this should be tabled until the
42 Economic Committee can at least finish their research.

43
44 Nathan Crane said that he feels the Commission should make a recommendation to the City Council as
45 to what they think should happen.

46
47 **Roger Dixon moved that the Planning Commission recommend to City Council that the**
48 **Approval of case GP-11-02 be continued until such time that the Economic Development**
49 **Committee completes its overview of city development possibilities, including the property south**

1 **of the Lone Peak High School and properties along SR92 as a minimum. Seconded by Jay**
2 **Roundy.**

3 Trixie Williams said there is a reason to believe this would be a good area for commercial next to
4 Walmart, but we need to look at the entire city.

5 **Unanimous vote, motion carried.**

6 Nathan Crane indicated that this item will go to City Council on July 19, 2011 with a public hearing.
7 Surrounding residents will be receiving notices within the next week or so.

8 **C. OTHER BUSINESS:**

9 3. TA-11-08 The Highland City Planning Commission is requesting to amend Section 3-4105
10 and Section 3-4205 Height of Buildings increasing the maximum building height for all
11 structures in the R-1-40 and R-1-20 Zoning Districts. *Legislative.*
12

13 Nathan Crane stated that there is an individual who came to the previous Planning Commission
14 meeting and expressed interest in building on his lot in Highland, but the home plan he is interested in
15 would not work because of the maximum building height allowed by the city. That individual is here
16 this evening. The Commission needs to look at whether this is an amendment they are interested in
17 sponsoring.

18 Nathan explained that Highland's current building height is 35 feet. It is measured from grade to the
19 top of the structure. Chimneys and things like that are not included. Staff researched adjacent city
20 regulations for building height. Seven of the eight cities measure the height to the highest point, the
21 only one that does not is Alpine. Alpine does have a 34 foot requirement that is measured to the
22 midpoint, which is the middle of the roof between the eave and peak. Five of the seven cities
23 maximum height is 35 feet. Nathan expressed that as the Commission discusses whether to proceed
24 with this amendment they should consider if this is a need for the entire community, what is the impact
25 on the entire community, what is the impact on existing residents, should we allow an exception, and if
26 we do, should we allow public input.

27 Patrick Springer made sure the Commission had received a copy of the petition he distributed earlier in
28 the day. Patrick stated that he has about 35 signatures on his petition. What he is showing individuals
29 who sign the petition are the two different ways building heights are measured. His architect who is
30 located in Salt Lake County has said most cities up there measure the same way that Alpine does. He
31 has also researched surrounding cities as staff did and indicated many of them allow exceptions to the
32 maximum height, but not Highland. He said the biggest reason to oppose it is to because there is a fear
33 of big tall buildings around. He said the biggest reason in favor is that people can actually build a
34 house how it is supposed to look and not have a squatted looking roofline.

35 Kelly Sobotka asked Patrick what his slightly higher roofline is. Mr. Springer said his proposed home
36 is 39 feet. Trixie Williams asked what percentage of the roof is over 35 feet. Mr. Springer guessed
37 about 20%.

1 Patrick expressed that he did place a section on his petition so that if people were opposed to it, they
2 could mark no. He did not have anyone that he came across that was opposed to the proposed
3 amendment. He said that if you have a smaller home you never run into this problem, but with larger
4 homes, this is more likely to be a concern.

5 Trixie Williams stated that after the previous meeting she got on her bicycle and rode around Highland
6 to look at roof lines. She said it was interesting because she really has never noticed the roof lines.
7 She stated that this requirement probably has impacted a number of homes. She did not feel though
8 that it made the roof lines unattractive. While out, she considered what the impact would have been on
9 the view if those homes would have been allowed a taller building height. She figured it was probably
10 a negligible impact. Her thought is to perhaps allow a percentage of the home to have a higher height
11 to allow for peaks and things of that nature. Trixie feels nervous about allowing homes overall to be
12 built taller.

13 Chris Kemp asked how exceptions work in other cities. Nathan explained that in Provo, applicants go
14 to the Board of Adjustments and there are certain things they have to do. Highland does not have this
15 type of board, we only have an appeal authority. Typically with Board of Adjustments, there has to be
16 some reason to do make a request for an exception. Alpine allows a conditional use permit for
17 exceptions to building height. Nathan expressed that if we want to create an exception and have a
18 public body that views those, he does not mind drafting something for that, he does not want to write
19 this as a conditional use permit. We can create an exception process if the Commission wants to go
20 that route.

21 Tim Irwin indicated that he gets concerned for the surrounding neighbors who may have known the 35
22 foot limit and now has a neighbor who builds a home that is taller.

23 Patrick Springer expressed that he feels the way the height is measured should be done the way the
24 international building code was written, which the state has adopted. He said we do not do things to
25 accommodate for trees or other things. Tim stated that even if the Planning Commission shows favor
26 in this item, he does not know where it will go with City Council and what their opinions will be.

27 Trixie Williams asked if it is possible to draft an ordinance to limit the height to a specific percentage.
28 Nathan expressed that anything is possible, but he would prefer more clarity than averages. Each time
29 a home plan comes in, staff would have to calculate what the percentage is for that specific home. It
30 would be easier to say this is what the height is or here is the process for an exception if we choose to
31 allow exceptions. The Planning Commission needs to choose whether to sponsor this or give some
32 direction on where they want to go with this.

33 **Jay Roundy moved that the Planning Commission go with the established 35 feet and not**
34 **sponsor an amendment adjusting building height. Seconded by Steve Rock. Those voting aye:**
35 **Steve Rock, Trixie Williams, Roger Dixon, Jay Roundy. Those voting nay: Chris Kemp, Kelly**
36 **Sobotka, Tim Irwin. Motion carried.**

37
38 Nathan explained that Patrick Springer can apply for the amendment himself and go through the
39 process or modify the house plan and build the house with the height currently allowed.
40

1 4. FP-11-05 Mr. Don Buhler is requesting an amendment to Country Farms Meadows Plat A
2 Lots 17 and 18 by reducing the lot size of Lot 17 from 40,833 square feet to 40,661 square
3 feet and increasing Lot 18 from 40,662 square feet to 40,854 square feet. *Administrative.*
4

5 Nathan Crane explained that the owners have agreed to make a lot line adjustment to address a current
6 situation of a misplacement of a fence line. There is 200 feet that changes with the lots; they meet the
7 development code standards. Staff has no issues with the proposed adjustment.

8 Ed Gifford, surveyor/engineer of this property and the subdivision 19 years ago, indicated that property
9 owners have worked out all of the property lines. Mr. Buhler would like to put an accessory structure
10 in the rear of his property. Ed indicated that this is an agreeable situation.

11 Jay Roundy asked if any of the lots will be legally non-conforming. Ed indicated they will be
12 conforming. Each lot is over 40,000 feet. All that is changing is about 200 feet.

13 Trixie Williams asked with the way the current property lines are if one of the homes is sitting on the
14 property line. Ed indicated yes and that will not be the case after the lot line adjustment.

15 Don Buhler, applicant, stated they have been working on this with their neighbor for over three
16 months. They felt this was the best way to get this lot line adjusted.

17 **Trixie Williams moved that the Planning Commission accept the findings and recommend**
18 **APPROVAL to City Council of case FP-11-05 subject to the two stipulations recommended by**
19 **staff. Seconded by Chris Kemp. Unanimous vote, motion carried.**

- 20 **1. The recorded plat shall conform to the plat date stamped June 27, 2011.**
21 **2. The recorded plat shall be revised to meet the requirements of the City Engineer and**
22 **Community Development Director.**
23

24 5. CU-11-04 Mr. Cole Schutjer is requesting a conditional use permit for a new 80 foot cell
25 tower located at the southwest corner of 6400 West and 10400 North. *Administrative.*
26

27 Nathan Crane explained that this is a Conditional Use Permit for a monopole. In 2008, a request was
28 made by the same applicant to construct a monopole at the Highland City Cemetery. The Commission
29 held a public hearing and there were concerns with having the monopole in the cemetery. The
30 Commission asked a number of different things. One thing they asked was for the applicant to look at
31 this location where it is now being proposed. Due to the economy and finances the applicant went
32 away and they are back now with this new proposed location. As part of this, a lease agreement will
33 need to be approved by City Council. Our telecommunication ordinances are located in the Municipal
34 Code and reference the Development Code in a couple of areas. Some of the requirements are that
35 new monopoles have to be on city owned property or in a commercial district. Nathan confirmed that
36 they cannot be located on school property. The ordinance was changed to prohibit these from being
37 located on school property. Nathan did not have the research information on why that change was
38 made. It is not feasible for the city to consider purchasing a small area of property from the school
39 district to house a monopole.
40

41 Nathan further explained that this monopole height is 80 feet. This height is permitted if they allow

1 co-location. If co-location is not an option, the height is limited to 60 feet. The antennas are not to
2 exceed 8 feet in height or 3 feet in width. The staff and Commission's role is to analyze the permit
3 based on the current and existing regulations and try to mitigate any adverse impacts we can. We are
4 reviewing for compliance with the existing ordinances. We cannot make a ruling based on an opinion
5 of the merits of the project. Comments are relevant to the extent that they speak on the issues with
6 compliance with the existing law. The way state law is set up, opinions are not considered as a part of
7 the decision with the administrative action. Tim Irwin asked for clarification on what opinions are.
8 Nathan indicated that aesthetics are an opinion and our review is to see whether the tower meets code.

9
10 Nathan explained that in 1996 the Telecommunications Act was passed. One of the things that it
11 regulates is that we cannot discriminate against carriers. Also, we cannot prohibit cell towers; we have
12 to provide an accommodation for them. We have to remember that when we draft regulations, they
13 cannot have the effect of prohibiting a use.

14
15 Nathan expressed that we cannot consider environmental effects as a part of our decision, which
16 includes health concerns. As the Telecommunications Act is written, that is something that is the
17 responsibility of the FCC and something they regulate.

18
19 Nathan referenced the overhead photo. The site is part of a well site that we own. We obtained the
20 property in the acquisition of the Highland Water Company. It is designated as low density residential
21 on the land use map and is zoned R-1-40. Nathan said that some may ask if T-Mobile needs this pole.
22 He referenced an overhead photo of the coverage map that T-Mobile has provided to show the areas
23 where coverage is low. Nathan expressed that we are kind of playing hopscotch. There was a proposal
24 to locate at the cemetery that brought up concerns. Now this new location has been proposed which
25 also has concerns. So the question becomes, knowing that we have to provide the monopole, where is
26 the best place for it. Nathan explained that we are looking for the best location and distances from
27 residential. Looking at this location, the distances for the neighbors to the west is approximately 470
28 feet, 250 feet to the east, and 310 feet to the south. Nathan indicated that it is important to understand
29 topography of the area because that will impact the height of the pole and how tall it can and needs to
30 be built.

31
32 Nathan reviewed the design of the pole; it is 80 feet tall pole and the arrays are flush with the antenna.
33 Access to the site will be on 10400 North. As a comparison, the previous proposed pole was 100 feet.
34 As far as citizen participation goes, we had a WTFRC meeting on May 18, 2011 with one resident who
35 attended. Minutes from that meeting have been included in the packet. Notice of the Planning
36 Commission meeting for this item was published in the newspaper and a radius notice was mailed on
37 June 12, 2011. Staff is recommending approval with three routine stipulations.

38
39 Cole Schutjer, T-Mobile representative, expressed that their goal is co-location. That is why they
40 chose to go with the height of 80 feet. The goal to lease 25x60 feet on the ground from the city allows
41 for the equipment shelter, but also three future ones on the ground. He indicated they are trying to plan
42 for the future and needs of carriers.

43
44 Kelly Sobotka asked how it is determined what T-Mobile pays the city. Cole said that there are
45 industry standards and that amount has been worked out with the T-Mobile attorney and the Highland
46 City administrator. Nathan indicated that is part of the lease agreement.

47
48 Jay Roundy asked if more space is leased on the tower if the city will get more money. Cole said yes
49 there is a stipulation in the agreement that when more carriers locate that the rent payment to the city

1 will increase. T-Mobile gets a portion when more carriers locate on the tower. Kelly asked what the
2 lease term is. Cole stated that it is a 30 year lease; with six 5 year terms. Jay Roundy asked if when
3 we lease city owned property if we have an appraisal done so that we get fair market value for the
4 property since it is going to be leased for such a long length of time. Nathan explained that they try to
5 accommodate this in with the lease agreement. He indicated that this is probably not a consideration
6 for the Commission to make; it would be more of something for Council to consider.

7
8 Steve Rock asked if the arrays will stay the same when other carriers locate. Cole said that can be a
9 requirement, but the code requires that the antennas be no more than 8 feet in height and 3 feet in
10 width. He said that the arrays are basically on top of each other with a few feet in between. Of the
11 four towers located in Highland, the one at Ridgeline Elementary is the best example of what this
12 tower would look like with the exception of the 20 feet height difference. Cole indicated that most of
13 the signal goes straight out from the tower and not up.

14
15 Trixie Williams asked if this application is specifically for this one site. Nathan said yes. He
16 explained that from the previous Planning Commission meeting in 2008 the applicant tried to be
17 responsive to the Commission and came back with a new application and location. Cole expressed at
18 the time of the previous meeting they were not aware of this site as an option. They proposed the
19 cemetery as an option thinking there would be less of an impact on surrounding residents. The thought
20 was to place the pole with a flag pole type design to camouflage the monopole. The Planning
21 Commission continued the application for the cemetery. It was determined that this new location
22 actually works better for the coverage needs of T-Mobile and has a smaller impact on the city.

23
24 Roger Dixon stated that he has a conflict of interest with this item because he lives in the affected
25 subdivision. That being said, he is able to discuss and vote on the item. Roger expressed that his
26 interests as a property owner conflict with what Cole is proposing. He said that one thing that stands
27 out is that a proposal was made to locate in the cemetery and a bunch of people showed up and said we
28 do not want this, so the monopole got moved. He inquired at what point and what criteria is used to
29 decide what group of people gets offended by the location of this tower. Cole stated that he does not
30 want to offend anyone. He reviewed the happenings from the last Planning Commission meeting by
31 stating that the item was continued and then they withdrew their application. They gained knowledge
32 of a better location and have applied with a new application for the new site. Cole said that he felt the
33 continuance of the previous application was unjust and that a recommendation should have been made
34 to either approve or deny the application. He indicated that this application meets the city ordinance
35 and the federal law that the monopole is allowed.

36
37 Jay Roundy asked if the pole will be galvanized, painted white, or painted so that it subdues into the
38 background and also what the maintenance schedule will be. Cole said the application is for a
39 galvanized steel monopole; conditions can be made to paint the pole.

40
41 Kelly Sobotka asked Nathan if a location on SR92 that has a shed located on it could be used for the
42 monopole. Cole indicated that the setback requirement from a highway is 200 feet. It was determined
43 that the property is not owned by the city and could not be used for the site.

44
45 Trixie Williams stated that they are looking for whether the application meets the existing code and
46 ordinances. Her question then was how in the 2008 meeting the Commission was able to say they did
47 not like the proposed site and continued the item. Nathan said he is not able to offer insight as to why
48 that course of action was taken because he was not at that meeting. What happened in that meeting is
49 not the course that this application should go through.

1 Tim Irwin opened the public hearing at [9:41:56 PM](#).

2
3 Kent Day, resident, stated that he has lived here for 72 years. His asked whether the city property
4 along 6000 West up the foothills where there is a water tank could be used to locate this tower at or
5 possibly locate at the water tank just north of the American Fork Canyon. He expressed that when he
6 was on City Council, there was a request for a tower to be located south of the canal on the Alpine
7 Highway and it was turned down. It was then located over in Cedar Hills and it seemed to offer
8 adequate coverage. His hope is to not have to look at an 80 foot tower in a 35 foot home area.

9
10 Deanne Dixon, resident, said that the proposed tower would be right in the view from her home. She
11 disclosed that she is Commissioner Roger Dixon's wife. She is speaking in opposition of this
12 application. When she looked at purchasing her current home, it was highly attributed to the view.
13 She said that when you think of what Highland has to offer people, it is the view, not the weather or
14 convenience to shopping or transportation. She does not see why we should be required to give
15 ourselves a black eye. She understands that what points she is addressing do not have to do with code
16 requirements, but rather aesthetics. Deanne stated that we as residents have to keep in mind what we
17 have that makes this a worthwhile place to live. If something like this pole, which is ugly, is placed on
18 a main thoroughfare, it is not what we want on our front door to the public. She said that she does not
19 feel that trading the beauty our city offers for money is worth it. Deanne said that the fact that one
20 resident attended the WTFRC does not indicate the interest of our community. She stated that Roger
21 and she were not able to attend that meeting. They did hold a meeting at their home where 18
22 residents attended. She indicated a concern for the three equipment shelters and the fact that the height
23 was reduced from 100 feet to 80 feet. The main concern being what if they can reduce the pole height
24 down in the near future that we end up with something that is already in place and does not come down
25 for 30 years. She asked the Commission to remember what Highland has and not to give it away for
26 not much, or nothing in her opinion.

27
28 Christine Ivins, resident, stated that she lives a few blocks from the proposed site. Her concern is that
29 one neighborhood was able to oppose the site and prevent this, but her neighborhood cannot and she
30 does not feel this is right. She understands that they need a site and that we need to provide that for
31 them. She feels that there probably is a better site for this monopole.

32
33 Hearing no further comments Tim Irwin thanked those residents for their comments and closed the
34 public hearing bringing the issue back to the Planning Commission for further discussion.

35
36 Roger Dixon handed out to the Commission, staff, and media a copy of his working notes for this item.
37 He read from his notes the following:

- 38
39 1. Presumably the need for additional cell phone coverage would be based on population growth
40 and cell phone growth. Clearly the population of Highland has not increased significantly since
41 the original application in 2008. We have no data on the amount of growth in cell phone usage
42 and at what rate is it increasing or decreasing.
- 43 2. The original proposal to erect the tower in the cemetery was continued to a later date by the
44 Planning Commission. The continuance required the city to:
- 45 a. determine how many cell towers the city is obligated to have;
 - 46 b. determine whether cell phone providers are entitled to 100% coverage of the city;
 - 47 c. explore the areas across from Mitchell Hollow Park and the area near the proposed
48 viewing chapel;
 - 49 d. determine the federal regulations for telecommunication towers;

- e. look at options for disguising the tower; and
- f. determine whether the study done by T-Mobile was biased and whether another study is justified.

Roger said he does not think any of these have been done with the exception of point c. He continued from his notes:

3. What are the criteria city officials should use for placing a tower? If one group of citizens can successfully prevent a tower from being built in their view corridor should not all citizens groups have the same leverage?

Roger stated that fairness is a great American value. He feels what is happening here is not fair. He continued reading from his notes:

4. City Ordinance No. 2007-4, section 13.44.030, (2), (c) states that the height of the antennas and antenna support structure shall be justified through a detailed written analysis that explains the reasons why service cannot be effectively provided unless at the requested height.

Roger said he talked to Nathan about this. Nathan asked what a justification would be in this situation. Roger indicated that the applicant should be forthcoming since the code requires it. He continued from his notes:

- a. As a minimum a justification should; 1) contain a description of the problem at hand; 2) a set of recommendations; 3) relevant background information that will assist the reader in understanding the motives and reasoning behind the recommendations; 4) specific details about the new proposal, including costs, relevant use data and a time line; 5) a brief summary statement.
5. City Ordinance No. 2007-4, section 13.44.030, (2), (f) states that the City may, if it deems it necessary, cause each telecommunications facility to be reviewed to determine if other locations are available to achieve an equivalent signal distribution.

Roger expressed that some has been provided tonight, but not in a coherent package. He continued reading from his notes:

6. "City Ordinance No. 2007-4, section 13.44.034, (3), (d) states that monopoles shall not project higher than 20 feet above the average building height to a maximum of 60 feet or, if there are no buildings within 300 feet, these facilities shall not project higher than 10 feet above the average tree canopy height to a maximum of 60 feet, measured from the ground. This contradicts (6) in the same section which appears to allow up to 80 feet for multiple user monopoles.
7. Where is the data on cell phone load? We only see a report from an engineer hired by T-Mobile that says that there is a need. We need data and comparisons to determine how many cell towers are needed. This could lead to the development of a City developed master plan for cell phone coverage, which is now lacking. The lack of a City master plan for cell phone coverage means that we must deal with each request on an ad hoc basis.
8. T-Mobile is proposing that it lease land from the city for the cell tower location. As additional antennas are added, can T-Mobile sublet the cell tower to other providers at a profit to themselves?
9. It appears that the proposal actually fails to meet at least two of the three criteria for granting a

1 Conditional Use Permit.

- 2 a. It is incumbent upon the applicant to demonstrate that property values would not be
3 negatively affected according to the city zoning laws. View corridors clearly affect
4 property values. Since the tower negatively affects the view, is T-Mobile responsible to
5 compensate those residents the difference?"

6 Roger stated that the main reason to have an 80 foot tower is to sublet it down the road and make some
7 money. It has nothing to do with their coverage.

8
9 Roger had Nathan put up the overhead simulation that he provided. He expressed that the height of the
10 pole sticks not only above the tree line, but above the mountain line and clearly above the mouth of
11 American Fork Canyon.

12
13 Roger stated that it is not clear how landscape elements that are going to rise 15 to 20 feet are going to
14 do anything with an 80 foot tower. It does not mitigate anything. The view of the American Fork
15 Canyon will be damaged. He continued reading from his notes:

- 16
17 c. "The public hearing was held at a time (5:00pm) that was inconvenient for most of the
18 property owners who have regular jobs and family activities during the afternoon and evening
19 hours.

- 20 10. Should not the towers be located in commercial districts only where view corridors for
21 established homes would not be so severely affected?"

22
23 Roger said that it seems to be that they should. He stated that he does not think it was intentional, but
24 in the review committee's minutes, it would appear that they were under the impression that generally
25 speaking, Highland residents did not want to have the monopole in the cemetery. That was a very
26 narrow group of residents who said that. It certainly was not representation from Mitchell Hollow.
27 He went on to the alternatives he came up with in his notes. The first alternative is a system called
28 light radio pioneered by Bell Labs and Alcatel-Lucent. The second is the distributed antenna system.
29 These can be placed on telephone poles and house top roofs and various areas that will enhance
30 coverage. He said that by being a little bit patient we might be able to find something that would not
31 require us to put up anymore monopoles in the city. Roger stated he has some other ideas. Roger said
32 that he spoke with Nathan who previously worked with a Catholic church that located an antenna in
33 the steeple of the church. Roger suggested approaching LDS Stake Centers to locate the antennas in
34 their steeples which are generally 70 feet tall. Another idea would be to make the poles shorter and
35 allow more than one monopole in an area. He indicated that the height is the most offensive thing to
36 him. One other suggestion is to locate the cell tower at Freedom Elementary. He understands that this
37 would require a change in the municipal code. The principal there is in favor of doing this and
38 provided a letter stating his approval of this idea. Those funds could be used for the students there for
39 updated technology among other things.

40
41 Jay Roundy stated that he has worked on hundreds if not thousands of these, as well as power poles.
42 They have done color analysis and economic studies. The poles are incredible money makers. His
43 point is that he is not opposed to cell towers, but Roger hits on a point that is earth shaking. If they
44 were placed in locations throughout the city where they are less noticeable, in commercial zones, this
45 seems to be a better option.

46
47 Trixie Williams asked if the poles can be located on city or commercial property. Nathan indicated yes
48 they can on either. She asked Jay if he is suggesting only commercial and school property then. Jay
49 said yes. Trixie indicated that leaves all of us wondering again why the poles were previously allowed

1 on schools, but they are not any longer.

2
3 Nathan Crane stated that when the Ridgeline Elementary cell tower was applied for, there was a lot of
4 opposition. They were originally going to turn that item down, but through the litigation or negotiation
5 process where the city understood they met the code, the application went forward. The code was then
6 changed not to allow towers on school sites.

7
8 Jay Roundy said he is aware of at least one situation where individuals have bought private monopolies
9 that were on sale because they were torn down somewhere and then cut a deal with a school district
10 here in this county to locate the monopole in edge of the parking lot and park of the school. The
11 school was excited because of the revenue and because of the location, it really was the perfect match.

12
13 Tim Irwin said that it seems to him that when big business gets in bed with big government and ties the
14 hands of the city it drives him nuts. It seems that this is what is going on here and it is not a good
15 thing. Tim stated that as Jay said, we are certainly not opposed to providing a cell tower, but Roger
16 raises some really good questions.

17
18 Cole Schutjer explained that through talking with the city administrator the reasoning that he was told
19 was that the ordinance was changed from allowing schools to have monopolies located on their
20 property so that the revenue would impact all of the community, it is a shared benefit throughout the
21 tax payers and not just to the schools.

22
23 Cole stated that both Trixie and Christine brought up the point that one community had something
24 denied and the other cannot; that community held a strong presence. If you looked Highland as a
25 whole, this site is a less impactful site because there are fewer homes in the area. That other
26 community did not get the application denied, they got it continued, which he does not think was
27 lawful based on their standing. He said the economy turned and T-Mobile was not able to build
28 towers, so the application was withdrawn. Through that process T-Mobile gained information and
29 found a better location that meets their needs and they have the right to make that application and it
30 meets the city ordinance. A lot of discussion has gone on where monopolies can go in the future and
31 that discussion should go on, but it is irrelevant to this application. He has to deal with the current city
32 code and continuing his application because there is the potential of changing the city code is unlawful.

33
34 Cole addressed Kent Day's remarks on alternate locations. The locations mentioned would not meet
35 the coverage needs of T-Mobile. Cole expressed that it is not just a matter of people having cell phone
36 coverage. People use their phones for so many things, it is a capacity issue. Cole said he has seen the
37 technology change from 2G to 3G and now to 4G and the antennas are not getting any smaller, they
38 have gotten bigger every time because it is a capacity issue. There have been more towers because of
39 capacity issues. He indicated that T-Mobile does not want to spend the money to put in a tower if it is
40 not needed; it is not an inexpensive thing to do. Cole indicated that he cannot resolve Deanne Dixon's
41 concern; it is a visual impact. He expressed he was happy to hear that many people attended the
42 meeting at her home. As far as technological improvements, a business cannot base its success on
43 future innovations. It can plan for it, but it needs to operate under existing conditions. Cole stated that
44 the city code requires a conditional use permit that has been granted for a monopole to be reviewed
45 annually for seven years from the date of final approval and in that review the applicant must show
46 proof that the telecommunications facility is still needed at the approved location, employs the most
47 current available technology advances, and that it has been in compliance with the ordinance and
48 requirements of City Council. Cole said that by that being required, they would have to come up with
49 advances in whatever area may have them.

1
2 Cole moved on to Roger's comments and stated there has not been a growth in the number of
3 subscribers; it is a capacity issue they are dealing with. Cell phones are being used for so many
4 different things. He did not have data with him showing this, but he stated that the increase in use is
5 common knowledge. Cole expressed that the cell phone antennas located on monopoles do not reach
6 as far as people think. There is no easy equation to show how far they do reach. He said towers are
7 located one to two miles apart for network coverage. He indicated that most people probably do not
8 notice all of them because a good deal are located in commercial districts where they are well
9 concealed. This one cannot be hidden because T-Mobile needs to reach the residential areas. Kelly
10 asked how many T-Mobile towers are located in Highland. Cole said he is not sure if they own them,
11 but they are on two towers in the city. They do own the Ridgeline tower.

12
13 Roger asked what proof Cole has that this will not injure his property value. Cole indicated he has
14 read stories for and against devaluation of property. In the United States, he was only able to find
15 blogs and matter of opinions, but in Australia there were studies that show a devaluation of property.
16 In Western Europe studies showed no devaluation of property. Cole said that he talked to appraisers
17 locally and asked if this is considered in the appraisal of a home. Most of them said no. One did say
18 that if it is within falling distance of a home then it is considered. One of the appraisers did their own
19 little study and found that value to each person is different. Several clients walk into homes and look
20 at how many bars they have on their phones and that is valuable to them. To individuals like Roger,
21 the view is what is valuable.

22
23 Nathan Crane expressed that there is an important distinction here. The Commission's role is a
24 recommendation to the City Council. The City Council is the legislative body that has the authority to
25 approve conditional use permits. Nathan stated that regardless of what is said, it needs to be
26 determined whether or not this application meets the requirements of the current code. He said he does
27 not feel it is relevant to consider whether or not this will impact property values when this is a land use
28 issue.

29
30 Jay Roundy stated that one of the Commission's roles is to protect the property values of the city.
31 Nathan said yes, but within the realm that they can. Jay said that he agrees with the applicant and what
32 we need to be looking at is whether the proposed use is legal and lawful in the area that it is proposed.

33
34 Nathan said that we do not have a master plan of where cell towers can go in our city; most cities do
35 not. We do not determine the coverage and capacity needs, the applicants and carriers do that. Tim
36 said our responsibility here is to make a recommendation.

37
38 Cole reminded the Commission that the previous application was withdrawn and this is a new
39 application. Any requirements from the previous application do not apply to this. He feels the
40 Planning Commission acted inappropriately on the previous application and he does not feel that is a
41 precedence that this Commission needs to follow. This application meets the city code.

42
43 Kasey Wright, City Attorney, stated that the Commission's job is to look at the applicable statutes and
44 ordinances and make a recommendation as to whether this application meets those.

45
46 Roger Dixon asked if a 60 foot tower could be installed to meet T-Mobile's needs. Cole indicated that
47 would not meet the future needs for coverage. The 20 foot difference makes a significant difference in
48 coverage. If a 60 foot pole was put in, there would be a need to install more towers in the future.
49 Roger indicated that in the code, the height is discussed as being 60 feet. Cole responded that in that

1 code section it states if the pole is used for co-location purposes then it can be 80 feet.

2
3 Trixie Williams said that legally or ethically she does not feel that we can continue this item. We can
4 either accept it or deny it and include some findings to be passed on to City Council. Nathan said that
5 if further information is needed to make an informed decision then it is applicable to continue the item
6 until further information is received.

7
8 **Steve Rock moved that the Planning Commission accept the findings and recommend**
9 **APPROVAL to City Council of case CU-11-04, a request for a conditional use permit for a new**
10 **monopole, subject to the 3 stipulations recommended by staff.**

- 11 **1. The proposed use shall conform to the project narrative, site plan, landscape plan, and**
12 **elevations date stamped June 8, 2011 except as modified by these stipulations.**
13 **2. All ground mounted equipment shall be located within an enclosed building.**
14 **3. A minimum of 160 square feet of landscaping shall be provided.**

15
16 **Seconded by Trixie Williams.**

17
18 **Roger Dixon amended the original motion so that the word approved be replaced with the word**
19 **deny. Seconded by Kelly Sobotka. Those voting aye: Kelly Sobotka and Roger Dixon. Those**
20 **voting nay: Steve Rock, Chris Kemp, Trixie Williams, Jay Roundy, and Tim Irwin. Amendment**
21 **failed.**

22
23 **Vote on the original motion. Those voting aye: Steve Rock, Chris Kemp, Trixie Williams, and**
24 **Jay Roundy. Those voting nay: Kelly Sobotka, Roger Dixon, and Tim Irwin. Motion carried.**

25
26 Nathan indicated this will go to City Council for review on July 6, 2011. [10:47:07 PM](#)

27
28 **D. APPROVAL OF MEETING MINUTES FOR MAY 25, 2011 – REGULAR MEETING**

29
30 **MOTION: Roger Dixon moved to approve the Meeting Minutes for May 24, 2011 as amended.**
31 **Motion seconded by Jay Roundy. Unanimous vote, motion carried.**

32
33 **E. PLANNING STAFF REPORT**

34
35 Nathan Crane stated that the request to amend the PO District to allow uncovered outdoor storage was
36 denied by City Council. He expressed that we have had a couple of controversial items recently and he
37 has found himself in an awkward position a couple of times. He explained that his role is to provide
38 the Commission with the information to make an informed decision and facts. He feels like when it
39 gets controversial at times that he is defending the applicant, and that is not the case or his intent.

40
41 Roger Dixon said that he had a lot of discussion with Nathan on the cell tower issue and Nathan
42 performed his role as an objective broker and helped Roger understand what the situation was.

43
44 Nathan indicated that Tim and he were talking about some items for the upcoming July 12, 2011
45 meeting. One of the items was the state land and how it is zoned. Nathan said that the Commission
46 has heard him emphasize making sure our codes and our structure reflect what we want and a good
47 example is the cell tower application. One of the things is we need to have a discussion on is to make
48 sure we have the tools and they are up to date enough so that when we start planning things the
49 community knows, the property owners know, the neighborhoods know what we mean by certain

1 terminology, uses, density, zones, etcetera. We will have a discussion about this; starting with the
2 general plan and look at the land use element.

3
4 Nathan said that we have a very inconsistent and conflicting public involvement process. We need to
5 look at and have a conversation about what the Commission thinks our citizen review process should
6 be for our different types of applications. We will discuss more this at the July 12, 2011 meeting.

7
8 **F. COMMISSION COMMENTS AND SUGGESTIONS**

9
10 No further comments were voiced.

11
12 **G. ADJOURNMENT**

13
14 **MOTION: Chris Kemp moved to adjourn. Motion was seconded by Trixie Williams. Unanimous**
15 **vote, motion carried.**

16
17 **Meeting adjourned at [11:04:11 PM](#).**