Highland City Planning Commission
November 9, 2011

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Tim Irwin, at 7:03 p.m. on November 9, 2011. An invocation was offered by Commissioner Tim Heyrend and those assembled were led in the Pledge of Allegiance by Commissioner Sherry Carruth.

PRESENT:

Commissioner: Tim Irwin
Commissioner: Jay Roundy
Commissioner: Abe Day
Commissioner Chris Kemp
Commissioner: Tim Heyrend
Alternate Commissioner: Sherry Carruth

EXCUSED:

Commissioner: Steve Rock
Commissioner: Kelly Sobotka
City Administrator: John Park
City Engineer: Matt Shipp

STAFF PRESENT:

Community Development Director: Nathan Crane
Secretary: Jill Stewart

OTHERS: Julie Hendricks

A. APPEARANCES

Tim Irwin invited comments from the public regarding items not on the agenda. Hearing no comments Tim continued with the scheduled agenda items.

B. PUBLIC HEARING AND LEGISLATIVE ACTION

1. TA-11-12 A request to amend the Highland City Development Code Chapter 5-10 Amending a Recorded Plat to create new process, procedures and requirements for amending subdivisions. *Legislative.*

Commissioner Tim Irwin opened the public hearing at 7:05:20 PM.

Nathan Crane explained that this is an amendment to the development code as it relates to amendments to subdivision plats. Mr. Crane indicated that we have had about three applications to amend subdivisions in the recent past and each applicant had a complaint about our process. One applicant went as far as to approach City Council and say that the process is not consistent with state code and they could have been done with the amendment much sooner. Therefore, we decided to proceed with an amendment to the development code.

Mr. Crane stated that the current process is confusing. It deals with vacations, sort of deals

with plat amendments, and other amendments like lot or property line adjustments in a sort of roundabout way. He said that this code section is out of date and not consistent with the current state code. Mr. Crane explained in order for two property owners to get together and adjust a lot line, they actually have to prepare a new plat, which is costly, and the entire process is time consuming. The process requires the plat to go to City Council, Planning Commission, and then back to City Council. We are trying to streamline that process a little bit.

Mr. Crane explained that the proposed process is set up into three categories. The first is a property line adjustment. That allows two property owners adjacent to each other to adjust a property line through a simple document that is recorded through the County. Staff will review the lot line adjustment for compliance with the development code as far as lot size, width, setbacks, and those types of things. A lot of time when property lines are adjusted, we have to check that the new property line is not closer to a house than it should be or that there is enough room on the lot to build a house. This process would be approved administratively after an appropriate review by staff.

The next category is vacation, alteration, or other amendment. This is based a lot on state code. State code has some very specific requirements as it relates to whether the public is notified, whether a public hearing is required, and things like that. Our proposal is to have this type of amendment to go directly to City Council. There would be a public hearing required if the amendment involves a vacation of a street or easement. A public hearing would also be required if a property owner objects or has not given consent to an adjustment.

The final category is altering a public utility easement. One of the things Highland requires is a ten foot public utility easement on all sides of every property. The City can run in to problems with older subdivisions and the ten foot public utility easements. There was an instance a couple of months ago where someone built a pool in the wrong location and it was in the utility easement. So what is done in that particular instance is that the utility companies were contacted to see if they still needed that easement or if their work for the subdivision was complete. The utility companies ended up signing off on the easement where the pool was located. So this amendment will address situations such as this in the future. This process would also be approved administratively.

Commissioner Irwin indicated he would like to discuss each of the three items individually. He then invited a resident here for the public hearing to voice her comments on this text amendment.

Julie Hendricks, resident, stated she has a question on the property line adjustment category. She is wondering if a developer has the ability to shift property lines without notifying surrounding property owners. She explained that she lives near the Mountain Ridge Development and has concerns about the developer adding a new lot without the surrounding owners being notified. Mr. Crane explained that item would go to City Council for an amendment and would not be a simple property line adjustment process.

Mr. Crane gave some background on the Mountain Ridge Development. He explained that one of the things they are trying to do is add a lot on the west side of the development. He explained that Ms. Hendricks is asking if a lot can be added through this process. Mr. Crane stated that someone cannot create a new lot or do anything like that through this process.

Ms. Hendricks asked if they kept the same number of lots, but just reconfigured them if that is possible through this process. Mr. Crane said that would not be able to be done through this process and if something like this was done it would require notification of surrounding property owners.

Commissioner Irwin explained that this addresses a situation where two property owners are contiguous upon one and other. Ms. Hendricks asked if it is property lines between separate property owners. Commissioner Irwin clarified it is between separate owners. Mr. Crane referenced the property line adjustment section from the development code and indicated that it limits it to the relocation of a common property line between two or more abutting properties. He said a new lot would not be able to be created and would not apply to the Mountain Ridge Development.

Ms. Hendricks asked about changing the name of a plat and the way this text amendment reads, it looks as though the zoning administrator would be able to approve that. She explained that she looks at meeting agendas for the city and references areas by their development names and if an area has a name change, it would be difficult to know. She asked if the public would be notified of a name change for a development. Mr. Crane explained that this text amendment was not designed to address the name or title of a plat and that should probably be taken off or clarified. This text amendment is designed to address the transfer or title of property. He explained that if something was on a meeting agenda that it would likely reference the original name of approval and indicate there is a request to change it to a new name. Mr. Crane said that his experience has been that a development will come in with a particular name, but then for marketing the name will change so they can advertise and sell lots. Commissioner Chris Kemp stated that a name change does not happen very often because that affects County records and as people have bought homes, it would require going back and changing recorded properties and things like that.

Commissioner Abe Day asked who is responsible to pay the recordation fee with these types of amendments. Commissioner Irwin said the way he understands it is that the applicant would have to pay to record.

Commissioner Day asked how this works with City property. Mr. Crane clarified that the City Council would be the property owner for City property and it would require going before the Council.

Commissioner Irwin moved on to the vacation section of the amendment. No comments were voiced on this section.

Commissioner Irwin asked what type of fee would be associated with an amendment of this sort. Mr. Crane said that is something we have not yet determined. That will be an item that we put in front of the Council for approval. Mr. Crane said in the past a fee of around $100 has been charged. He said that in Utah fees have to be justified. What we are going to do is take the hourly rate that was calculated in 2008 during a fee study and then estimate how much time it will take us to process that application. This fee is not intended to discourage people from going through one of these processes. If anything, our goal is to have people come to the City and do amendments of this nature as opposed to doing them on their own without our knowledge.

Commissioner Day indicated he has approached the Council in the past about utility easements. He asked for clarification that no structure can be placed within ten feet of any property line. Mr. Crane said that is correct. Commissioner Day expressed that he has a fundamental problem that a utility company has more rights and input to that ten feet than he does as a property owner. Mr. Crane explained the whole purpose for the utility easement is that in the past a lot of dry utilities were run in those easements and that is what they are there for. This allows us the ability to do an amendment and use the public utility easement if no one is using the easement or if they are going to use it, we can still ask for their approval to an amendment.

Commissioner Irwin indicated he is not hearing a lot of opposition with this proposed amendment. He closed the public hearing and indicated the Commission is ready to entertain a motion.

MOTION: Jay Roundy moved that the Planning Commission accept the findings and recommend APPROVAL of case TA-11-12 a request to amend Chapter 5-12 Amending a Recorded Plat to create new processes and procedures to amend a recorded plat.

Motion seconded by Tim Heyrend. Unanimous vote, motion carried.

2. TA-11-13 A request to amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments. *Legislative.*

Nathan Crane reviewed the proposed amendment. Mr. Crane explained that all of the Commissioners received an email a couple of weeks ago on the creation of the PD District. He indicated he will walk the Commission through this district and go in to some detail. Staff feels that with the new Council at the first of the year this is an item that should be considered by them. So there is no hurry to rush through this item.

Mr. Crane explained the reasoning for creating this district. He said the first question will be why create a district such as this that is very urban on the surface. He explained that it is a little different than something we have done in the past. In our general plan, we have a mixed use category; it is the state property, the property across from Wal Mart, and it is over the Town Center. We do not have a zoning district to implement that land use category. Therefore, one of the reasons to create this district is to have the ability to implement those mixed use areas in the city.

This district will give a property owner the opportunity to utilize this district for future development. It does not zone any property PD at this time, it provides a tool for someone to come in and use for future development. The district allows for a little more flexibility. If they choose to use this option, it will go through the rezone process, which includes the neighborhood meeting and public hearing. One thing we are trying to do is to encourage economic development. We do not want this to be used as a small lot single family residential subdivision only type of project. One of the requirements in the proposed district is that it is either commercial or a mix of residential and commercial. We want to be looking specifically at the commercial portion of developments with this district.

One thing the PD district does because of its process is that it allows us to add things such as architecture, compatibility standards, and those types of things. This district allows the developer to create a character or a theme for their development. This is attempting to increase the quality of the project in exchange for some flexibility. Mr. Crane stated that he likes this type of district because it allows staff, Planning Commission, and Council to address things on a use and site specific level instead of a big level.

Tim Irwin opened the public hearing at 7:36:30 PM.

Mr. Crane started with the purpose section of this amendment. There is a requirement for adequate infrastructure; when we say this, we mean public services, such as water, sewer, storm drain, traffic, etc. We want to make sure if we are approving these that there is existing infrastructure or there will be infrastructure put in as part of the plan. Commissioner Heyrend stated that one of the things that sticks out in his mind is whether we want to limit this to only the mixed use areas. There can be benefits to opening it up to a larger residential area, if that a residential area has certain environmental features or is up against a mountain where the slope of the land and zoning density may want to be kept the same but you do not want to use portions of the land. He could see expanding the Planned Development to certain residential areas. Mr. Crane said he has used them in those circumstances. Commissioner Heyrend asked if that is something the Commission wants to consider. Commissioner Kemp asked if we already have this ability when a plan is submitted; make changes to the property due to the unique nature of a property. Mr. Crane indicated not as much flexibility as this would allow. Commissioner Day brought up the Pointe Academy where the zone was changed to allow that specific use. Mr. Crane explained that it is doing the same thing. In the past, what was done was that a specific zoning district was drafted for each non-residential zoning district and was adopted into the development code. This PD district addresses mixed uses and allows more flexibility. Mr. Crane said that he has read up on how the Pointe Academy and Alzheimer's Facility were adopted and one of the differences is that we will actually have a development plan in front of us with this type of district. We will know what it looks like, what its impacts are, etc. Commissioner Irwin expressed his feelings that this district does allow more flexibility, but he feels the general plan needs to be looked at as well.

Commissioner Day asked where the creation of this district stemmed from. Mr. Crane explained that it was a staff initiated item. Staff looked at how the assisted living was done, how the senior citizen overlay works, the state property, and the lone peak area. It was determined that we do not have a zoning district to apply to some of these areas. We created a process that allows someone to create an innovative design and have some flexibility while being able to plan a development together.

Commissioner Irwin asked for an example of how the process would work with this district. Mr. Crane explained the first step will be to look at the general plan and determine what the land use designation is and verify that it has some sort of commercial element to it. If it requires a general plan amendment, the applicant has the option to run that application concurrently with their development application. One of the roles of staff is to map out the process and the options for the applicant. We try very hard not to say no to an application. So once we determine that we can use this district as an option, we figure out where the applicant is at and what they are thinking for the project. If it is an important piece of property or a large project, work sessions with the Planning Commission or City Council may be appropriate before the development even hits the public participation process to get input and

address concerns or issues. Then the application can start down the path for the neighborhood meeting, public hearing process at Planning Commission, and then the public hearing process at City Council. Mr. Crane expressed that he likes this district because we have very broad discretion of whether we adopt a PD district or not. If someone puts a proposal that is not compatible or is not the use we want, the City has the discretion to say this is will not work for this district. Commissioner Irwin said this type of district is needed, but he gets nervous with who ultimately makes the decision. He feels that the City Council does not always understand what a businessman is trying to do. He stated that he does not want City Council to overreach their ability to direct what a developer can do. At the same time, we have a responsibility to make sure a use is compatible with what kind of city we have. Mr. Crane agreed that there is always going to be a balancing act. Commissioner Heyrend expressed that it needs to be a coordinated workable livable type of development for this to work.

Mr. Crane moved on to the next section, 3-610. He explained that any project that comes in to utilize this district as part of their narrative they will list the uses that are permitted. They will list office, retail, or whatever those uses are as the uses that will be in the development. This will be one of the things the Planning Commission and City Council will determine if those uses are appropriate in the proposed areas. Mr. Crane referenced the development standards section. He indicated that we want to be able to say there is a minimum we want in our city where it deals with development standards. The applicant can ask for modifications from development standards, but it requires them to justify why and the Commission and Council will make a determination based on the applicant's justification. Commissioner Day clarified that this method almost does the opposite by allowing the Commission to say yes or no with more flexibility. Mr. Crane agreed.

Mr. Crane proceeded to the section on conformance. He explained that if the PD district is adopted that anything that is developed within that district would have to conform to what was approved. Included with the phasing plan in the PD district, the developer must include the plan for infrastructure and amenities that are going to be installed. The City will then determine if that is an appropriate phasing plan. One of the key things is that it has to stand alone. This means that it must be able to be served by the infrastructure and everything it needs. Amenities are also taken into consideration and this district gives the City the option to determine if the phasing for the amenities meets the needs of the development. Mr. Crane stated that the good thing about this district and the flexibility that is involved is that the developer and the City both know what the deal is and this allows the project to continually move forward without any surprises. From the beginning, the developer and City will be working on this together, which Mr. Crane feels is a good thing.

Mr. Crane addressed the minimum size that a PD district development should be. As a starting point 20 acres was used, but this needs to be discussed by the Commission. Commissioner Heyrend said he thinks the size should vary depending on the area. Mr. Crane said he feels there needs to be a minimum because these types of districts are a lot of work for staff, Commission, and the Council. He indicated he would not go lower than 10 acres as a minimum size. Mr. Crane said he has seen where expectations have been allowed under certain circumstances for a smaller size, but that is something that has had to go before the Council.

Mr. Crane explained that one of the key things is the required findings section. Anytime a

project comes through, these are the types of things that the Commission and Council will be determining. He explained that the expiration has been defined as two years. He feels that if they are going to go through the time and effort, they want this to be a real thing. We understand markets change as well. Within that two years, we will require either vertical construction or infrastructure to be installed. If that does not happen, it will allow the Council to revert the zoning to what it was prior to the approval of the PD district. That action would require a public hearing.

Nathan Crane explained the bulk of this is the narrative. There is an introduction that will describe what the project is. The narrative will list the uses that are permitted and if there is a residential component, it will also be listed with the proposed density. The development standards will also be included with the narrative. Mr. Crane stated that recreation for the development will also be listed. He expressed that lot sizes are important, but the amenities of an area are one of the big things individuals look for. Mr. Crane said that he worked on a project in the past where lot sizes were 4,000 - 5,000 square feet. The lots faced on to a lake and the development also had golf courses. He expressed that because of the amenities people loved the area and it was highly desirable. Mr. Crane reiterated the importance of amenities. He stated that they should have private ownership. There is only one circumstance where the City may choose to be involved in recreation areas. An area would have to be a minimum of five acres in size and the Council would have to choose to adopt it as a city park. Mr. Crane indicated the size can be discussed further, but five acres is the size of a typical park. It is an action where the Council has to choose to adopt the area as a city park though.

There are standards for recreation areas. They have to be a minimum of 5,000 square feet and cannot be a piece of leftover land that was not developable. There is more detail in the code text about what a minimum recreation area is. The code also addresses architectural design and theme. We can include sample elevations and other details. Mr. Crane reminded the Commission that the developer is choosing to go through this process and the accompaniments that come along with it. Mr. Crane mentioned that landscaping, signage, infrastructure, and traffic analysis are all areas that will be addressed as the development comes in. Compatibility will also be addressed.

Mr. Crane reviewed on the overhead some of the projects he has worked on in the past with this type of development or district. Commissioner Irwin asked for clarification that a developer comes in and tells us exactly what they want. Mr. Crane confirmed that is how the process works; the developer is very up front with what they want.

Commissioner Heyrend asked for clarification on how the density works. It is his understanding that the way this district is written is that more homes could not be built than what the current district allows. Mr. Crane said that is not something he had written for the district. Commissioner Heyrend indicated that is something he would like to see added to the text. Mr. Crane indicated that the proposal that the Commission has does not specify a density because our mixed does not give us any guidance. He said that in his opinion if it is stated for an area to not to be any more dense than what the underlying zone is then we do not need a PD district. Commissioner Kemp noted that if we implement this, we are not going to encourage anyone to come in with a different type of plan or project that the City can evaluate.

Commissioner Irwin stated that he wants to make sure we have enough opportunities to not have to approve something that we do not like. Mr. Crane expressed that one of the great things about the state of Utah is that we have those required findings, which are pretty broad, that the applicant or developer has to provide, as well as it is a legislative action in which there is very broad discretion in which the Council can base their decision on. Mr. Crane stated that as long as we have a sound decision behind what we are doing then he feels we have the ability to have that broad discretion. He added a caveat that if one of these developments are approved and someone comes in to build and they conform to the development, they are entitled to build there. Commissioner Kemp asked if they would be able to deny something that came in if they felt it was not compatible. Mr. Crane stated they would be able to. Commissioner Kemp stated that prior to Mr. Crane being here, the Commission tried to deny a project due to compatibility, but were told by the city attorney that they could not do that. It was the Toscana project. Mr. Crane explained that the difference there is that the zoning was already established. So the overall difference is that Toscana was an administrative approval item and because they met the code, they were entitled to approval. The PD district is a legislative approval item therefore there is a much broader discretion for approval.

Commissioner Heyrend stated that he feels if this is expanded to residential areas that this will create a lot of controversial situations in the city. He indicated he would like to see some densities written in to the code for this district. Commissioner Irwin asked how we have some flexibility with residential, but not to the extreme. Commissioner Kemp reiterated that we only have three mixed use areas. Mr. Crane stated that it goes back to the fundamental question of what land use category is this district applicable for. He said that if this is only applicable in mixed use or commercial areas, then density can be addressed on a case by case basis. Commissioner Day voiced concerns that if we do not limit the density now, then five or ten years down the road a different Council may have different feelings about allowing high densities. Commissioner Heyrend echoed that has been his experience. Mr. Crane stated that it goes back to what density this type of district is applicable for. He said if we want to expand this to include our traditional residential areas it would be easy to add some language to restrict that density.

Commissioner Heyrend went over some of the concerns and changes he would like to see made to the language for this district. He added that the Planning Commission shall consider: Whether the street or means of access to the site is without materially degrading the service level on such street access. Whether the planned development's location will create unusual vehicle or traffic patterns or volumes. Orientation of driveways and whether they direct traffic to major local streets. Parking areas and sizes.

Commissioner Irwin suggested that the Commission review each of Commissioner Heyrend's suggestions individually. The first one was whether the street or other means of access to the site provide necessary egress and ingress without materially degrading the service level of which the street access or any adjacent street access. Commissioner Irwin asked if there are any issues surrounding this recommendation. Commissioner Kemp asked if these things would be looked at with the developer when the plan is created or do we need a separate plan that addresses such items. Commissioner Irwin said that he is reading these items from Commissioner Heyrend as things the Commission ought to consider. Commissioner Heyrend stated that if we are detailed we can deny applicants based on their not meeting the outlined requirements. Commissioner Day indicated he likes having a guide post for what they should

be looking for to be reviewed. He said that especially when new Commissioners come in it is hard to know what to look for right away. Commissioner Heyrend said that was the intent of putting it right up front. Commissioner Kemp said the way he understood it from the city attorney when they were working on Toscana was that the more detailed that the code gets is that if an applicant meets those things then they have to be allowed. He said if it is a little broader or more open, it gives room to say whether it is a compatibility issue or several other things in which a project could be denied upon. Commissioner Irwin said he is not sure they are criteria, but more of items for discussion. Commissioner Kemp says he likes these items, but he does not want to add something that may put us in a position where something has to be approved.

Mr. Crane said both Commissioner Kemp and Commissioner Heyrend have excellent points. He indicated he generally likes for a little broader findings so it allows for some wiggle room. He feels these additional standards are appropriate and we can incorporate them. Commissioner Irwin asked for Mr. Crane to clarify those items and incorporate them in a way that he is comfortable with and bring the back to the Commission for review.

The Commission gave staff direction for some rewrites and revisions for this PD district. Commissioner Kemp suggested running it by the city attorney before it is adopted so that he can review it for any potential concerns.

Mr. Crane explained that one of the things we are trying to do is to improve and build on the development code we already have. This will happen over time. Commissioner Irwin echoed this will be beneficial.

Mr. Crane explained that he will make some revisions and this will then come back to the Commission and it is up to them whether they want another public hearing, but it is not required. He indicated he needs a little direction for minimum acreage. Commissioner Kemp proposed 10 acres.

Commissioner Sherry Carruth asked if this is for mixed use or for all of Highland. Mr. Crane said that is something that needs to be determined as well. Commissioner Kemp proposed to keep it for mixed use at the current time. He voiced that if this is a change we are going to make, we may need to look at the general plan and make some recommendations for areas that will benefit from this type of district. Commissioner Irwin agreed about going back to the general plan. Mr. Crane expressed that the last general plan data was compiled in 2006 or 2007 and it is about time to do it again. Commissioner Kemp said he is not in favor of having this be citywide. Commissioner Irwin concluded that is the general feeling of the Commission.

Commissioner Day said he feels 10 acres is a little limiting and wondered if there is a way to allow exceptions. Mr. Crane explained that he has worked with situations where the code may state a minimum of 10 acres except in extraordinary circumstances as follows; or something similar to this. Mr. Crane said that most people are not going to go through this for a small amount of acreage; it is a lot of work. Commissioner Irwin voiced to use 10 acres as a minimum.

Commissioner Heyrend inquired about changing the park size from 5 acres. Mr. Crane said the City would not want anything less than 5 acres because to maintain anything less is

problematic. The developer can have a smaller park the City just would not maintain it.

Commissioner Heyrend brought up maintenance standards that he feels should be included. Mr. Crane indicated he can incorporate those types of things.

Commissioner Irwin asked to address the density issue. Commissioner Heyrend said he did find the requirements that he added for the residential zones, but does not have any specifically for the mixed use areas. Commissioner Irwin said at this point the Commission would like to see this only as mixed use. Commissioner Kemp said density will be used as compatibility criteria in regards to the surrounding area. Mr. Crane said there are ways to look at density other than just acre lots. Commissioner Carruth stated that is seems as though our fall back is to say it is not compatible; she said she does not know how well that is going to hold up in true life. Commissioner Kemp explained there are several items as a Planning Commission that they can evaluate and deny a project on. A couple of those items include: safety, compatibility, and city standards. Mr. Crane said the text for the PD district that they are looking at before them are the standards in which they would use to evaluate a project.

Mr. Crane indicated that staff will work on the revisions and rewrites as directed by the Planning Commission. If the Commission meets in December, this item will be brought back for review then, if not it will be reviewed in January by the Commission.

MOTION: The Planning Commission CONTINUED case TA-11-13 a request to create/amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments for revisions and rewrites by staff to the December 13, 2011 Planning Commission meeting.

C. OTHER BUSINESS

1. ADOPTION OF 2012 PLANNING COMMISSION MEETING SCHEDULE

MOTION: Abe Day moved that the Planning Commission adopt the 2012 Planning Commission meeting schedule as amended.

Motion seconded by Jay Roundy. Unanimous vote, motion carried.

D. APPROVAL OF MEETING MINUTES FOR OCTOBER 25, 2011 - REGULAR MEETING

MOTION: Abe Day moved to approve the Meeting Minutes for October 25, 2011 as amended.

Motion seconded by Tim Heyrend. Unanimous vote, motion carried.

E. PLANNING STAFF REPORT

Nathan Crane reviewed the recent City Council actions. The conditional use permit for the Alpine Country Club was approved. Highland Heights Estates received final plat approval.

F. COMMISSION COMMENTS AND SUGGESTIONS

Commissioner Irwin asked for an update on Walgreens. Mr. Crane said that staff sat down and met with the developer this week. Walgreens is anxious for this to get underway. They still like the location. The issue is the bank involved with the property is now owned by the FDIC. Mr. Crane indicated that this complicates things. Commissioner Day asked if a developer is unable to develop if another developer can come in and develop that same property. Mr. Crane said they would have to purchase the property from the bank.

Commissioner Irwin asked about Arctic Circle's headway. Mr. Crane indicated they were in today and are anticipating an opening date of December 15, 2011.

Commissioner Kemp asked for an update on Mountain Ridge subdivision. Mr. Crane explained that there was a trail behind the homes and the City decided that was not the best location, so the Council removed that trail. The owner then said that gives him more land area and he can squeeze in another lot. The City is telling him after quite a bit of time and research that in order to add a lot he will have to go back through the approval process. This would involve the bonus density matrix, the preliminary plat approval, final plat approval. The challenge with that is that everybody knows there is specific criteria and once a final plat is approved there is a certain amount of time to record. Mr. Crane stated that vesting in Utah is a little bit different. Even in other states, installing infrastructure based on an approval vests that project. So he is vested or entitled to that number of projects. For phase 2, there is a separate real estate purchase agreement that deals with that. Mr. Crane indicated that he did not feel the developer would go back through the approval process in order to gain one lot. Mr. Crane said phase 2 has everything in it; there are a few punch list items that need to be addressed. He explained that one of the bigger issues is their requirement for dedication of parkland. Generally, they are responsible for a portion of a parkland dedication that will be through a fee.

Commissioner Irwin asked how many residential building permits have been issued this year. Mr. Crane did not have the total for the entire year, but for the last quarter, 36 permits were issued. Mr. Crane indicated that number is higher even than some of the larger cities.

Commissioner Irwin asked about his resignation from the Commission since he has been elected to City Council. Mr. Crane indicated that will happen next month. The Commission will then do a vote in January to elect a new chair or the vice chair will step in to the chair position.

Mr. Crane stated that we are starting to review and rewriting the temporary sign ordinance. It will go to the Planning Commission and the City Council.

G. ADJOURNMENT

MOTION: Chris Kemp moved to adjourn.

Motion was seconded by Jay Roundy. Unanimous vote, motion carried.

Meeting adjourned at 9:34:31 PM.