



## AGENDA

### HIGHLAND CITY PLANNING COMMISSION Tuesday, January 24, 2012 – Regular Meeting 7:00 p.m.

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah

#### **CALL TO ORDER:** Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Abe Day
- Pledge of Allegiance – Commissioner Chris Kemp

#### **OATH OF OFFICE:**

The City Recorder will administer the oath of office to Planning Commission Member Scott Temby and Alternate Planning Commission Member Lance Garrett.

#### **APPEARANCES:**

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to two (2) minutes.

#### **WITHDRAWALS AND CONTINUANCES:**

#### **PUBLIC HEARING ITEMS:**

1. GP-11-03 A request to amend the General Plan Existing and Future Trails Map to create a new Trails Master Plan. *Legislative.*
2. TA-12-01 A request to amend the Highland City Development Code Section 3-4102 and 3-4202 to reduce the minimum lot size requirements for the keeping of small animals. *Legislative.*

#### **OTHER BUSINESS:**

#### **APPROVAL OF MINUTES:**

- December 13, 2011 – Regular Meeting

#### **PLANNING STAFF REPORT:**

- Recent City Council Actions

## **COMMISSION COMMENTS AND SUGGESTIONS:**

### **ADJOURNMENT:**

NEXT MEETING: *Tuesday, February 28, 2012* at 7:00 pm City Council Chambers

*Legislative: An action of a legislative body to adopt laws or polices.*

*Administrative: An action reviewing an application for compliance with adopted laws and polices.*

### **FOR SPECIAL ACCOMMODATIONS**

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

### **CERTIFICATE OF POSTING**

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 19<sup>th</sup> day of January, 2012. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 19<sup>th</sup> day of January, 2012 the above agenda notice was posted on the Highland City website at [www.highlandcity.org](http://www.highlandcity.org).

Gina Peterson, City Recorder

**HIGHLAND CITY  
PLANNING COMMISSION MEETING  
JANUARY 24, 2012**

<b>REQUEST:</b>	PUBLIC HEARING – The Highland City Council is requesting to change to the Trails Master Plan. (GP-11-03)		
<b>APPLICANT:</b>	Highland City Council		
<b>FISCAL IMPACT:</b>	Unknown		
<b>GENERAL PLAN DESIGNATION</b> N/A	<b>CURRENT ZONING</b> N/A	<b>ACREAGE</b> N/A	<b>LOCATION</b> Citywide

**PRIOR REVIEW:**

The Planning Commission held a public hearing on December 13, 2011 and voted to continue the public hearing until January 24, 2012 (Attachment G).

**BACKGROUND:**

The purpose of the Trails Master Plan is to identify the location of existing and future trails. The Trails Master Plan was last updated in July of 2009.

The Mayor and City Council formed an Open Space Committee to address existing concerns within open space subdivisions. One issue that is consistently discussed is trails. Issues with trails include: a twenty foot corridor width being too small, concerns with locating trails behind homes, maintenance of existing trails, and construction of future trails.

The City Council asked staff to prepare an update to the Trails Master Plan that addresses the issues raised by the City Council, Open Space Committee, and citizens. Staff prepared a draft plan that was presented to the Trails Committee met on December 1, 2011 and December 5, 2011. The changes recommended by the Trails Committee are attached. The draft master plan was also presented to the Open Space Committee on December 5, 2011.

A general plan amendment is a legislative process.

**DISCUSSION:**

1. The proposed Trails Master Plan identifies six different types of trails as follows:

<i>Proposed Trail Types</i>	
Main City Trails	Trails that serve as both a transportation and recreation purpose and have a high use. These trails provide connections to parks, schools, employment areas, and to existing or planned trails regionally or in surrounding cities such as the Utah County Equestrian Park, American Fork Canyon, and Bonneville Shoreline.

Murdock Canal Trail:	This trail is the main spine of the trail system. Providing connections to this trail is a priority. The trail will be owned and maintained by Utah County.
Neighborhood Trails:	These trails are an integral part of the open space area and/or park, typically serve a neighborhood and have a low to moderate use.
Connector Trails:	These trails connect parks, schools, neighborhoods and open space to the main city trails. They serve as both a transportation and recreation purpose, have a moderate use, and are typically short in length.
Neighborhood Option Trails:	Typically part of open space neighborhoods and serve the local neighborhood. These trails may be removed if determined by the neighborhood/subdivision.
Light Blue	Trails identified in either open space neighborhoods or on the existing trail master plan that are not yet constructed and should be eliminated.

2. Only the Main City, Murdock Canal, Neighborhood, and Connector Trails will be shown on the adopted Trail Master Plan.

**ANALYSIS:**

- Trails serve both recreation and transportation needs. Trails should connect with destinations such as schools, parks, commercial areas, and trails in surrounding communities. There are several different types of trails for example: urban and nature. Most cities have a mix of different trail types. The proposed trail types will meet the needs of the community.
- The construction of trails is a long term endeavor. Trail Master Plans are used to identify trial locations so that corridors can be preserved as development is reviewed however, the proposed lines do not represent actual alignments. Actual alignments are determined during the development review process. Construction occurs either as part of a new development or as funding is available. It is not uncommon to have unimproved trail corridors and unconnected trails.
- It is not uncommon for a trail network to utilize sidewalks and off street trails. In areas where sidewalks are used and there is enough right of way, additional space is provided and the sidewalk is setback from the road.
- Trails were removed that were either redundant or infeasible for construct. This will reduce future construction and maintenance costs.
- The proposed amendment is consistent with the goals and policies of the Parks and Recreation element of the General Plan.
- The proposed amendment will allow neighborhoods to decide whether or not a Neighborhood Option Trail should be kept.
- The proposed amendment builds off of regional trails that allow access throughout the valley.

## **CITIZEN PARTICIPATION:**

A notice of intent was mailed to 23 affected entities on November 22, 2011.

A notice of the Planning Commission hearing was published in the Daily Herald on November 27, 2011. Notice to affected properties was mailed on November 23, 2011. This was sent to twenty-three affected entities. Notice was posted on the Highland City website on November 23, 2011. Approximately, 1,140 flyers were distributed to residents within open space subdivisions between November 21, 2011 and December 8, 2011. All comments have been included in Attachment D.

A public open house was held on December 13, 2011. All comments have been included in Attachment F.

A notice of the Planning Commission public hearing was published in the Daily Herald on January 8, 2012. Notice was posted on the Highland City website on December 14, 2011.

## **FINDINGS:**

The proposed amendment meets the following findings:

- The amendment is consistent with the overall intent of the 2008 General Plan and other adopted plans, codes, and ordinances.

## **RECOMMENDATION:**

The Planning Commission should conduct a public hearing, solicit public comment, and make a recommendation to the City Council.

Based upon the review of the public comments there are two primary areas in which the Commission will need to make a specific recommendation:

1. The first area is trail on the south side of the Country French subdivision. In summary, the residents of Bull River would like the trail corridor to be preserved and the residents of Country French would like the corridor abandoned. Staff's recommendation is that the corridor be abandoned due to its location behind homes, cost and difficulty of construction, and the redundant nature of the trails. The Trails Committee recommendation is that corridor be preserved.
2. The second area where the staff and Trails Committee recommendation differ is the east boundary trail in the Wimbledon Subdivision. Staff is recommending that the trail be identified as a neighborhood option trail and the Trails Committee is recommending that the trail be identified as a Main City Trail. Staff's recommendation is based on the redundancy with the Mitchell Hollow trail.

The Planning Commission will also need to determine which proposed map should be used to base their recommendation.

**PROPOSED MOTIONS:**

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the case GP-11-03, a request to amend the General Plan Trails Master Plan.

I move that the Planning Commission recommend **DENIAL** of case GP-11-03, a request to amend the General Plan Trails Master Plan based on the following findings: (The Commission should draft appropriate findings).

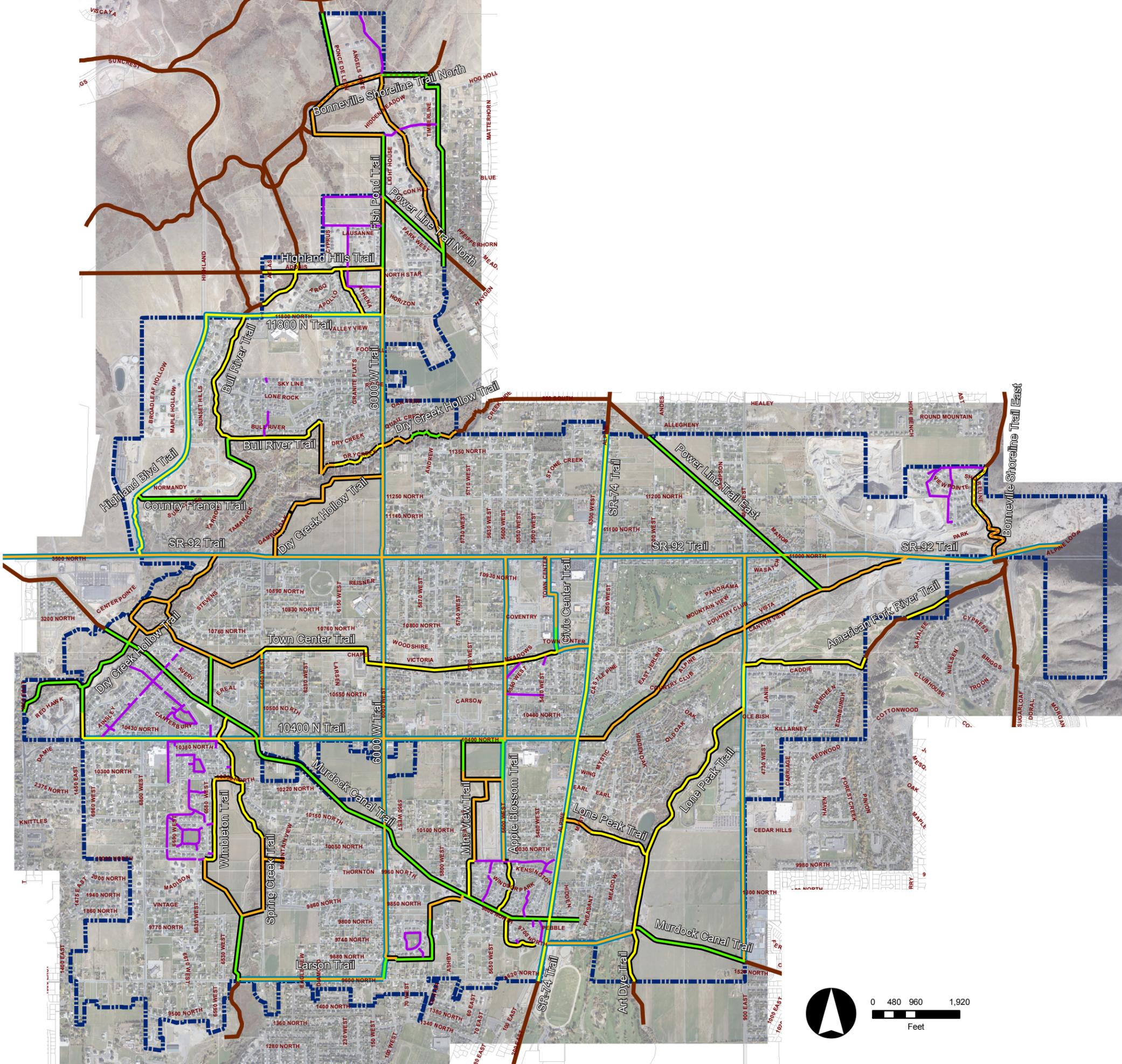
**ATTACHMENTS:**

- Attachment A – Existing Trails Master Plan
- Attachment B – Staff Recommended Trails Master Plan
- Attachment C – Trails Committee Recommended Trails Master Plan
- Attachment D – Citizen Comments as of January 19, 2012
- Attachment E – Petition from Country French Estates to Remove the Trail Easement
- Attachment F – Comments from the December 13, 2011 Open House
- Attachment G – Draft Minutes of the December 6, 2011 Planning Commission Meeting

# MAP 8-4 EXISTING AND FUTURE TRAILS PLAN

## Trails

- - - Bonneville Shoreline Trail
- Existing Trails
- Future Trails City Secured
- Future Trails Unsecured
- Neighborhood Trails
- ABC** Major Trails
- Roadside Major Trails
- Major Trails Not in Highland
- City Boundary
- City Lots/Parcels
- Lakes and Ponds
- Streams, Canals, Ditches



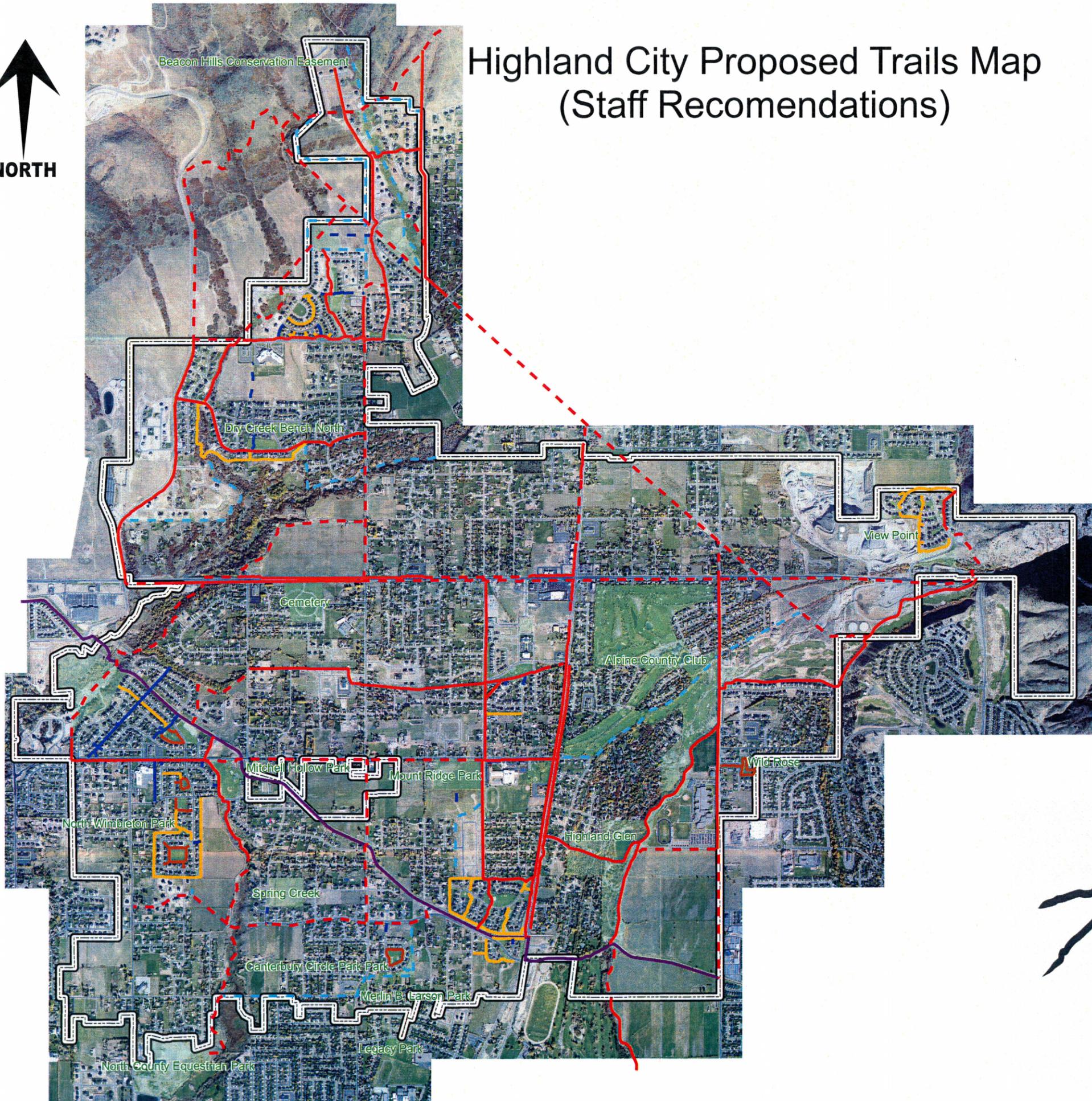
## Highland City General Plan Update



Adopted : July 21, 2009



# Highland City Proposed Trails Map (Staff Recommendations)



## Legend

- Main City Trail
- - - Proposed Main City Trail
- Connector Trail
- - - Connector, PROPOSED
- Nuisance Trail
- - - Eliminated Master Plan Trail (Not Constructed)
- Neighborhood Trail
- Murdock Connector Trail





# Highland City Proposed Trails Map (Trails Committee Recommendations)

## Legend

-  Main City Trail
-  Proposed Main City Trail
-  Connector Trail
-  Connector, PROPOSED
-  Nuisance Trail
-  Eliminated Master Plan Trail (Not Constructed)
-  Neighborhood Trail
-  Murdock Connector Trail



**Citizen Comments on Draft Trails Master Plan as of January 19, 2011**

*Email from Mr. Robert Holmes dated November 30, 2011*

Mr. Nathan Crane  
Community Development Director  
Highland City  
5400 W. Civic Center Dr.  
Highland, UT 84003  
NCrane@highlandcity.org

Dear Nathan:

This letter is written on behalf of the forty-eight families, property owners and members of the Bull River Home Owners Association (“Bull River”) located in Highland, Utah. We are against abandoning the trail easement located between Normandy Way (in the Country French Estates (“CFE”) development) and Sunflower and Tamarack Drives (in Bull River). Further, the fence at 6557 W Normandy Way should be removed or altered so it does not encroach on the trail easement.

A. Highland City Should Not Abandon the Trail Easement.

1. Abandoning the trail easement would result in a breach of an agreement between Highland City, Bull River and the CFE developer. The 20 foot trail easement and 80 foot “no build zone” between Sunflower and Normandy were specifically negotiated and agreed to by Highland City, Bull River and the CFE developer to create a buffer between the higher density CFE and lower density Bull River. The buffer was supposed to eliminate noise and preserve view corridors while allowing a more developed environment for CFE residents and preserving the natural environment of Bull River. Abandoning the easement will result in a breach of this agreement by Highland City.
2. Abandoning the easement would result in an asset giveaway to a few lucky CFE residents. Every CFE property owner purchased their property knowing that the trail easement existed. The effect of the easement on property values already has been factored into the purchase price these owners paid. Abandoning the easements will result in an undeserved windfall to these property owners. The City of Highland bargained away other presumably valuable rights held by City residents in order to obtain these easements and giving them away now to a few property owners is unfair to all residents.

3. Highland City should not abandon a valuable easement that has potential future alternative use. Just more than a year ago the City of Lehi and the company that operates the Bull River ditch approached Highland City regarding use of the CFE trail easement to pipe the Bull River ditch parallel to Normandy Way. Such use of the easement was expected to save Lehi and the ditch company hundreds of thousands of dollars over piping the ditch in its current bed. Highland should not abandon an easement that has potential significant value in alternative use. Once the easement is abandoned, it may be cost prohibitive to get it back, yet the City may want or need it at some point in the future – 10, 20, 50 or even 100 years from now.
4. The CFE trail promotes safety. With the CFE trail in place, kids in Bull River can walk between Bull River and Ridgeline Elementary crossing 1 street. Without the CFE trail, they must walk along a major thoroughfare crossing 5 streets.

B. The Fence at 6557 W Normandy Way Should Be Removed.

1. Allowing the fence is a breach of the agreement between Highland City, Bull River and the CFE developer.
2. Highland City should not reward the bad acts of the 6557 W Normandy Way property owners. Even in a light most favorable to the property owners, the facts surrounding erection of the fence on this property raise legal and ethical questions. The property owner (a) knew there was a trail easement, but they purchased the property anyway, (b) were again informed of the easement by their contractors during home construction and (c) falsely stated that there was no easement on which the fence would encroach when they submitted or caused to be submitted a fence permit application. After negotiating a property purchase price that factored in the easement, the property owners now want Highland City to abandon the easement in their favor and allow the fence. The property owners also claim that the value of the easement the City should give away is \$25,000. This is unfair to Bull River residents and other Highland citizens.
3. If a fence at 6557 W Normandy Way is truly necessary, it does not need to encroach on the easement. Nearly all of the concerns the property owners raise (keeping children in their yard, limiting liability, increasing safety, etc.) can be addressed with a fence that does not encroach on the easement and that honors the agreement reached between Highland City, Bull River and the CFE developer.

Sincerely,

**BULL RIVER HOME OWNERS ASSOCIATION**

Rob Holmes  
President

***Email from Mark Beesley dated November 30, 2011***

Dear Neighbors and Friends, I recently became aware that Highland City is considering abandoning a number of trail easements and demolishing some existing trails. Please contact the mayor and city council (email addresses are below) and tell them you are against this plan. The email below identifies some of the reasons abandoning the trail easements and demolishing existing trails are bad ideas. There are a few on this list who may not live in Highland, but this is an issue that affects surrounding communities; please forward the email below to your Highland friends. Thanks, Mark

Mark Beesley  
c. 801 879 4864  
f. 801 492 3762  
mbeesley@digis.net

From: J. Taylor <jtt@digis.net> [mailto:jtt@digis.net]  
Sent: Wednesday, November 30, 2011 12:10 PM  
To: Jalaine Taylor  
Subject: Highland Trails

Dear Neighbors,

The easements for several developed and undeveloped Highland City trails are currently proposed for abandonment. Some developed trails are proposed for demolition. The decision to abandon Highland's trails is not final. A public open house is scheduled on December 13, 2011 from 5:00 pm to 7:30 pm at the City Offices. Please attend the open house and/or contact the Mayor and City Council and tell them you want to keep Highland trails.

Please forward this email to other Highland residents.

Mayor and City Council Contact information:

Mayor Lynn Richie mayor@highlandcity.org

Scott Smith scotts@highlandcity.org

Brian Braithwaite brianb@highlandcity.org

Tom Butler thomasb@highlandcity.org

Larry Mendenhall larrym@highlandcity.org

Kathryn Schramm kathryns@highlandcity.org

Tim Irwin timirwin12551@yahoo.com

Jessie Schoenfeld jjschoenfeld@hotmail.com

Abandoning Highland trails is irresponsible:

- The easements are valuable City assets. Abandoning them to a select few City residents amounts to an irresponsible asset giveaway.
- If money is an issue, save the easements for later, but don't give away assets. If a person owns a valuable asset, but can't develop it because of a lack of money, the

solution isn't to abandon the asset. The solution is to hold on to it, maintain it minimally, and develop it fully when finances allow.

- Don't waste the current investment. Abandoning parts of the trail system would negate value of hundreds of thousands of dollars already granted to or invested by the City and thousands of hours of foresight and planning developing the current trail system. Demolishing current trails will be expensive.
- Don't abandon the easements to those who already benefited financially from the easements. Every Highland resident with a trail easement on their land gave or sold the easement to the City in exchange for a benefit, or they presumably negotiated a favorable property purchase price with the easement in mind. They benefited financially from the transaction and cannot now claim the easement is a nuisance that infringes on their rights.
- Don't abandon valuable easements that have potential future alternative uses. Highland City holds valuable easements that can be used for purposes besides trails. For example, some areas of Highland were developed without a storm drain system and easements in some parts of the City could be used to build and maintain a future storm drain. If officials do not want trails today they may want easements for other uses in the future. Abandoning the easements now, however, eliminates any future alternative use.
- Sidewalks along major City thoroughfares are not trails. Sidewalks with crosswalks along busy roads such as SR92, Highland Boulevard, Alpine Highway, and others highways are not "trails" and do not offer the same benefits of trails in a natural and pleasant environment.

Highland City trails are valuable:

- Highland needs open space. The trails offer unique and beautiful open and green space in an increasingly densely populated Highland City.
- Trails offer a safe way to navigate Highland. For example, with the trail system developed as planned, kids and adults can walk through Highland avoiding major thoroughfares and enjoy play and activities away from busy streets. With the trail system fully developed kids throughout Highland can eliminate crossing busy streets on their way to and from school.
- Trails promote health. Use of the trails promotes health and activity in an era of increasingly sedentary behavior. Many trails give joggers, bikers, walkers, kids, adults and the elderly a safe area away from car fumes and noise to engage in a healthy activity.
- Trails are used by all. All residents – young and old, rich and poor, active and sedentary – can enjoy the trail system. More than any other community asset, the trails are open and accessible to all. The trail system helps develop a better and larger sense of community.
- Trails increase property values. Cities and towns with more open space have higher property values than those with less. Highland is a more attractive community because of its trails.

Many of the people urging Highland City to abandon its trails will receive a direct financial benefit if the City abandons easements in their favor. Their arguments against

trails are specious and should be viewed skeptically. The Highland trail system is a safe, enjoyable, open space that benefits more Highland residents than any other City asset.

***Email from Jay Worthington dated December 5, 2011***

Dear Nathan,

Thank you for the time you spent with me today reviewing the trails in Highland City. I would like to make a recommendation regarding Windsor Meadows Subdivision which is where I live. It is presently proposed by the city staff that the future "City Trail" in Windsor Meadows be the second trail that runs North and South thru the subdivision. May I suggest that the "City Trail" be the perimeter trail because every home has a gate in their back fence or there is no fence at all. By doing that you will eliminate people needing to walk in the street to get to the future "Murdock Trail". As you are aware there are no sidewalks in our subdivision except along Windsor Park Drive and one that runs parallel to the Alpine Highway. I believe that my recommendation will best serve the residences of our subdivision because of improved safety and it is more serviceable for every resident.

Sincerely,

Jay M. Worthington  
9831 Oxford Ct.  
Highland, Utah  
801-216-4194

***Email from Gerald Tedrow dated December 5, 2011***

Good Morning Mr. Crain,

It is my understanding that there is consideration to eliminate the open spaces here in Highland. I live in Windsor Meadows where we pay \$20 per month, \$240 per year for the open space maintainance. That is what I was told when we purchased our home in 2002. Other promises were that there would be grass, mounds and trees in the open space behind our home which has not happened.

I am now told that our \$20 monthly fee goes for general use in Highland. If that is true, it is discriminatory if our subdivision's fee is not used for the purpose it was intended. Is that legal?

I have attended several committee meetings on open space. It is a complicated issue. Highland is a great place to live. This issue should be able to be resolved fairly.

Please keep me and others in our subdivision posted as to the progress of this issue.

Gerald Tedrow

9858 N Oxford Ct.  
Highland

***Email from Brad Wilson dated December 6, 2011***

Hi Nathan,

My name is Brad Wilson and I live in the Windsor Meadows Subdivision. It has come to my attention that the city is planning on removing the paved trails in our neighborhood. I strongly oppose this. I see no sense in that action. I was told it was due to a lack of money to maintain it. I don't see that anyone has spent anything on maintenance as it is. It's just weeds. What costs are there to leave it? It would cost more to have it removed. Many of the neighbors take care of it themselves since the city doesn't. The trails provide a great place to leave your home to walk, run or bike around. The trail system was one of the reasons that we decided to build our home here. There are no sidewalks in our neighborhood and I definitely don't want my 3 young children riding on the roads with all the traffic that comes through. When I moved in I was told my monthly fee would take care of the open space but can clearly see that you're spending my money elsewhere. This seems criminal. My thought is that if you take out our trails and fail to maintain any open space then I shouldn't have to pay that monthly fee. I believe you need to notify the neighborhood of your plans rather than doing it quietly behind our backs. This is our neighborhood not yours. Try putting yourself in our shoes. Perhaps you can reply with your thoughts, and justification for your actions. I certainly can't wrap my head around what you're thinking.  
Thank you.

Brad Wilson

***Email from Andria Whitlark dated December 6, 2011***

Mr Crane,  
I would hope that the city council would seriously consider the long term adverse consequences To abandoning the walking paths in Windsor Park Meadows development. We do not have sidewalks my understanding is that a PUD must have other accesses to walking safely.  
Thank you  
Andria J Whitlark  
9886 Oxford Ct.

***Email from R. Mark Ward dated December 8, 2011***

Mr. Crane,

I've reviewed the proposed master trail plan and have many concerns. I will be at the public meeting December 13th, but wanted to express my frustration with this in email form too. Initially, when the development was constructed all of the "open space" was

supposed to be grass and the park was supposed to be the property of the development. The grass turned to weedy open space and the park was taken over by the city. Since the economic downturn, the once well groomed development by MD was replaced by city workers. While their work hasn't been shoddy, it's hasn't been tremendously quality either.

Now, the one thing that the development and surrounding neighborhoods do enjoy, the trail system, is up for depreciation. Since none of the homes in the development have a formal side-walk system, the city would in essence be leaving its residents without a safe way to traverse the area, producing a dangerous environment.

I would encourage you and the city to reconsider the elimination of the Windsor Park trail system.

R. Mark Ward, BSc, MHA, CRISC  
cell/text: 801-692-3535  
private fax: 801-705-1630  
[rmarkward@gmail.com](mailto:rmarkward@gmail.com)  
skype: rmarkward  
twitter: rmarkward

***Email from Blythe Shupe dated December 8, 2011***

Nathan,

I just reviewed the Highland City Trails Master Plan and wanted to give my feedback.

First of all, let me say that what attracted me to Highland City ten years ago and to the particular neighborhood I chose to live in (Windsor Meadows subdivision) was the trail and the general overall beauty of the neighborhood. I own a large dog that requires daily walks and I loved the idea of walking on a scenic trail that was safe and free from traffic. It was a big selling point to the neighborhood.

Over the past couple of years, I have been concerned with the general upkeep of the trails and the parks and open spaces. Again, because I walk them almost daily, I have seen the Windsor Meadows subdivision trail and open spaces gradually go downhill. I don't know how long it has been since anyone has weeded any of the beds along the Highland Highway but that is probably a topic for a different email. The bottom line is the trail is going to rot.

Now, I read that my "nuisance" trail is on the master trails plan to be eliminated. I know the city has a master plan to eliminate as much debt as possible. I understand the trails and open spaces are costly. I understand that the monthly "upkeep" fees we pay do not cover the full cost of the upkeep of these areas. However, I do feel a little betrayed. I was sold on a beautiful, well kept neighborhood with a trail. I've tried to be patient with weeds in the flower beds and the dry spots on the grass and the mowing that just wasn't quite up to par with what we were used to and the infrequent or non-existent clearing of

snow on the trail because I understood that there were budget cuts. I still hoped that once the city felt more comfortable with its debt that all these things would be rectified. But I am not happy with the thought that I will lose the trail.

I know that my "nuisance" trail is well used. I frequently see neighbors from other subdivisions without trails walking along our trail. If the trail is eliminated, I will not have an option for walking my dog other than the street as the only sidewalks in my neighborhood are along Windsor Park or the Alpine Highway. Walking the same path without a trail is not an option--the prickly weeds that have taken over in the last couple of years are too painful for my dog's feet. My worries for the Murdoch Connector Trail are that the upkeep of that trail will be poor and I am not aware of any plans to pave or landscape that trail which worries me for the spread of the prickly weeds.

Either myself or my husband (or both of us) plan to attend the meeting on Tuesday. However, knowing that these things can get heated and that people sometimes say things they shouldn't on both sides, I wanted to give you my appeal in a calm and rational manner. My vote is to keep the trail and give it at least some kind of upkeep. If that means delaying the city debt pay off a little longer to put a little money into our trails and open spaces, then so be it. If it involves a reasonable increase in our open spaces fee, then so be it as long as I have a good understanding of how those open space fees are being used.

Thank you,

Blythe Shupe  
Windsor Meadows Subdivision

***Email from Roger Mickelsen dated December 8, 2012 (Ed Dennis is the chair of the Open Space Committee)***

Ed

As per your request, feed-back on the trails and SDS concept

Trails

1) There are no "nuisance trails" in Windsor Meadows and Apple Bloom. It is important to note there are no sidewalks in these two sub-divisions and that trails allow easy and safe movement through the sub divisions.

2) Actually do trail maintenance:

a) Repair damage primarily from roots and settling

b) In my survey of Windsor Meadows the number one issue was puncture weeds and bike tires. Therefore I would suggest that the city buy a back- sprayer and have a city employee walk the trails and spray Round Up on the weeds in the cracks and on the edges of the trails.

Open Space

- 1) The city could be more efficient in the methodology that they use to maintain the open space. The city needs to contact local golf course managers and/or the grounds people at BYU to learn how to properly maintain the existing open space at reduced costs. This would include more than mowing and occasional fertilization. Neighborhoods should expect that the city will upgrade equipment and provide additional training to personnel to improve the level of maintenance efficiency.
- 2) Stop co-mingling the open space budget with the parks budget etc, in an effort to determine true costs
- 3) Audit city crews to determine how much money is spent in each sub division.
- 2) On SDS, it appears that the system can be manipulated such that the smaller sub divisions might be able to manipulate the system to reduce their fees and shift open space maintenance fees to the larger sub divisions
- 3) I liked the suggestion that a neighborhood could meet with the city to plan maintenance without forming an SDS.
- 4) The SDS concept may create strong negative feelings between neighbors.

#### Conclusion

The SDS concept is just another attempt by the city to shift management responsibility for Open Space to the residence of Open Space.

The Planning Commission and the City Council approved the open space in its current configuration. Its time for the City to get creative and develop some methods to manage its property in a way that is doesn't detract from property values and the quality of life in the city.

Roger Mickelsen

*Letter from Ken and Pat Walzak dated December 10, 2011*

December 10, 2011

Patricia Irwin Kouba  
and John Kenneth Walzak  
husband and wife  
5538 Kensington Circle  
Highland, UT 84003  
801-216-4914

Mr. Nathan Crane  
Community Development Director  
Highland City  
Email: Nathanc@highlandcity.org

Dear Mr. Crane

Re: New Trails Master Plan

After reading the Highland Insider for December 2011, this is our input. We want to inform you that we purchased our home in Highland over a year ago for an amount above the appraisal, because there was trail access from our backyard for our daily, half-hour walks. There is not a sidewalk or curb in the front of our house, but it didn't matter to us since there was a trail system in the back.

We want to register our feelings about the abandonment of the trails in the Windsor Meadows development. Please consider the fact that we, as well as neighbors, purchased our homes with a trail system intertwining our homes.

Therefore, we ask that you consider the fact that we purchased this property with a trail system adjacent to our home.

Sincerely,

Patricia and Ken Walzak

***Email from Chris Crump dated December 13, 2011***

Dear Mr. Crane,

Over eight years ago our family moved to the Windsor Park Meadows subdivision. One of the biggest reasons and greatest allures for us buying our home in this area were the trails and the open space! Because our subdivision has no sidewalks, we use the trails frequently. We use them for long walks, our kids use them for skating and walking the dog and for riding their bikes. So we are naturally concerned that no more money will go to repair or maintain the trails, or that they may be removed altogether. We hope that you will take seriously our plea to please maintain the trails as they are now. They add a lot to our community and are a great source of enjoyment to us and our children!

Thank you.

Very sincerely,

Mr. and Mrs. Chris Crump  
Cambridge Court, Highland

***Letter from Carolyn Smith dated December 12, 2011***

December 12, 2011

Mr. Nathan Crane  
Community Development Director  
Highland City, Utah

Dear Nathan:

Thanks for listening to me last Thursday. After reviewing the Trail Master Plan and the proposed changes I note that the north side of Kensington Circle and the path through the park are not being recommended for removal. However, let me give you the "Reasons we Moved to Highland":

Ten years ago my husband and I retired and moved back to Utah where we both had parents, siblings children and grandchildren. After looking at various areas in which to settle, we chose Highland. We had not heard much about the area but were driving around one day and felt an immediate connection.

We had moved from the country in California and loved that Highland was both rural and residential. We found Windsor Meadows in the beginning of construction and liked what we saw. We decided we would build our 'retirement home' in Highland.

When we made our first contact with the Windsor Meadows property management group we were impressed with their sales approach:

- 1) Walking trails, a nearby park, landscaped surrounding areas, including trees. (See Exhibit A)
- 2) We chose a lot in Kensington Circle and with excitement watched our 'first' NEW home being built, step by step.
- 3) After six months our home was ready and we moved in. Only after construction was completed did we realize there were no sidewalks being laid in the front of our homes. The walking path was our only 'safe' place to walk or bike.
- 4) We used the walking paths behind our home and around the perimeter of Windsor Meadows. As we walked we talked about 'what it would look like' after the developer finished 'developing' Windsor Meadows as had been promised.
- 5) Soon, we learned that Highland City had released the bond back to the developer--even though the developer had failed to complete the promised landscaping. (See Exhibit B)
- 6) After attempts to meet with City Officials on what was to be done, we were told we could care for our 'open space' within reason--meaning we might have to 'remove' said landscaping if Highland City officials so desired. We decided we did not want to spend the money for sprinkler systems, only to have the City remove them at their discretion.
- 7) My husband dug a trench from our back gate to the walking path and laid cement blocks to make a 'safe' path for our grandchildren to push their bikes onto the walking path without 'puncturing' their tires from the puncture weeds that grew behind our property. Soon, Highland City officials arrived to tell us we needed to remove the blocks as to not interfere with the mowers who came to mow the Open Space. (I believe the mowers came a total of two times during each summer.) Our grandchildren played more OFTEN than twice a month on the walking paths with their wagons and bikes--they still got punctures in their tires.

8) The trees that were placed in Windsor Meadows were hit and miss and many residents on the north side of Kensington Circle got one or NO trees. A drip system was laid to the existing trees but they were not always checked for proper watering and therefore some of us lost trees. We were told not to 'tinker' with the drip system even though you could see that water was not flowing to the trees properly. Often we watered them with our own hoses.

9) My husband decided to grow some wildflowers in our Open Space to try to beautify the weeded and dry areas. He used the pressurized irrigation water and pulled our own hoses to water the seeds that he sowed--and we had beautiful wildflowers for a summer.

10) My husband also mowed the weeds in the Open Space behind our house, thus keeping it fairly presentable and avoided a fire hazard.

11) In the past three years my husband's health began to decline, as well as his spirit to take "pride in Highland" as our former Mayor had asked the residents to do.

12) My husband passed away 16 months ago. We had hoped to spend many wonderful retirement years here in Highland.

13) Today, as a widow, I feel much concern about the new Trail Committee's master plan. If Highland City doesn't have enough money to maintain the Open Spaces, what money will be used to tear up the 'nuisance trails' as indicated on the Committee's map? After the nuisance trails are removed--the Open Space is still a cumbersome 'eyesore.' Who will maintain the eyesore?

14) **Why not leave them as they are**--for some residents, the 'nuisance' trails are only a nuisance to the City in maintaining--but are close enough for us elderly residents to get in the exercise we need. Walking from my home to the Murdock Canal trail is further than I can do at the present time.

15) Why can't the residents of Windsor Meadows maintain their own walking trails when they begin to breakdown? Part of \$20 fee that each of us pay each month could be used to purchase a bag of asphalt and some have indicated they would be willing to patch them as needed. I am willing to have my children and grandchildren mow the Open Space behind our home to keep it presentable. I would even like to have wildflowers again.

16) We **DO NOT feel they are nuisance trails** because we can get around to neighbors close by and exercise our minds and bodies as well--and we don't have to take the risk of having to walk on our streets which have no sidewalks. We have made friends with neighbors and have become a closely knit group.

17) The children in our neighborhoods ride their bikes in the streets--which is a real danger--because we have no sidewalks. Let's not wait until there is a serious accident before addressing the issue of 'safe' places for children and walkers to get around Windsor Meadows!!

Please leave the existing trails in the Windsor Meadows housing development!!!

Sincerely, *Carolyn Smith*

*(I am unable to attend the Public Hearing because of a prior commitment.)*

Attachments:

Exhibit A -- Proposed Landscaping for Windsor Meadows (2001)

Exhibit B -- The Plight of Windsor Meadows after Bond was Released Back to Builder

Exhibit A. This is Phase I Only  
Phase II has similar lack of landscaping!

# Windsor Meadows



**Toni Foster**

Model (801) 772-1039  
Cell (801) 420-3695  
Office fax (801) 772-0950

40 WEST 9955 NORTH, HIGHLAND, UT.

Models Open Daily  
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Monday thru Saturday

BROCHURE IS FOR SALE PURPOSES ONLY.  
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PLANS, PRICES, SPECS, ELEVATION,  
AND ETC. AT ANY TIME WITHOUT NOTICE.

**D·R·HORTON**

**MANSSELL**  
AND ASSOCIATES

*Exhibit B*

Map of 5524 Kensington Cir, Highland, UT 84003-3460 **YAHOO!** LOCAL  
Maps



*only portion  
later landscaped  
by city*

When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

*This Google map looks nothing like Exhibit A.  
I have many more views of these undeveloped Open Spaces  
that I could share.*

<http://maps.yahoo.com/print?mvt=s&tp=1&stx=&fcat=&frat=&clat=40.412445&clon=-111...> 6/1/2009

***Email from Lisa McMurray dated December 13, 2011***

Dear Nathan,

I am a resident in the Windsor Meadows subdivision in Highland. I am writing you in reference to tonight's meeting about the Highland City trails. I would like to say how disappointed I am to hear that the City would even consider removing the trails. I use the trails almost every day for walking and exercising. My children also use the trails frequently for riding bikes and going to friends houses. Our subdivision does not have sidewalks and we use the trails constantly, especially in the summer for activities. We use them for running, walking, bike riding etc. I feel like the trails give the "open space" a purpose. Without the trails there, there would be nothing there but more weeds. The trails are one of the things I liked about the area when we chose to move here. I love how they connect with other areas around the city as well, and again I will say, I use them frequently. Especially to keep from walking or riding my bike on busy roads. I know there is a meeting tonight to discuss this issue, please know that myself and many of my neighbors are completely against the idea of removing the trails.

Also, I would like to comment on a couple of other issues. I understand that we are paying a \$20.00 a month fee for the "maintaining" of open space. I would like to say how disappointed I am in the maintenance of the open space behind my house (which does not have a trail behind it). For the last few summers, we have had to go out and dig up the Willow shooters, cut down weeds and spray the weeds just to keep them from coming through our fence area. We have done this ourselves without any help from the city. Earlier this Summer, I talked to the City workers and asked them personally if they would take the time to mow the weeds behind our house, they of course did not. As usual, we had to go and clean it up ourselves. Which makes me wonder what my \$240.00 a year is used for?? It certainly isn't used to maintain the weedy open space behind our houses.

One other issue is the amount of water Highland City uses each summer. I see the water running for hours and hours and hours at a time, until the grass is mushy and flooded. When I am walking on the trails in the morning or in the evening, the water is running and usually flooding the area it is running on. So, the last thing we need is to have the open space used for more water usage.

Thank you for your time,

Lisa McMurray

***Email from Glen Galloway dated December 15, 2011***

I was unable to attend the open house 12/13/11. Please take my input. I want to stress that I am opposed to any additional bonding or funding of any kind, to provide additional alternative transportation. I believe the existing trails and community property, especially around corners and intersections, must be better maintained. I believe that the existing

trails should not be used for motorized traffic or horses. There are too many more important issues to spend money and time on than this.

Thank You,  
Glen Galloway  
9643 N 5580 W  
Highland, UT 84003

***Email from Wendelin Knobloch dated December 20, 2012***

Nathan:

I talked with you at last week's trails open house and promised to send you American Fork's trails map (attached). I also mentioned that American Fork is starting the process of creating a bicycle and pedestrian master plan with the help of MAG and two consultants; if you are interested there is a website available at this link <http://www.walkbikeaf.com/>.

Regarding my comment about 150 W (American Fork)/6050 W (Highland), I think this is a very convenient and safe bicycle connection between Highland and American Fork. It is safer than Alpine Highway because of lower motor vehicle speeds and less traffic even though there is no bicycle trail striping. Highland's trails plan already shows a portion of the road as a proposed main city trail and I hope that American Fork will consider doing the same. Therefore, it would be nice if Highland would consider bringing the trail to the city boundary with American Fork.

Also, I would like to let you know that I work for American Fork City but do not represent it. I am commenting on Highland's trails plan because my family owns property in Highland (10650 N 6250 W) on which we plan to build a home in the future.

Kind regards,

Wendelin Knobloch.

(801) 815-7969  
dwknobloch@me.com  
8622 Sweetgum Dr  
Magna, UT 84044

***Email from Amy Davis dated January 18, 2012***

Nathan,

It should also be noted in the discussions on the trail easement that the issue of elementary school students walking to Ridgeline Elementary from Bull River is irrelevant as the Bull River area has bus service to Ridgeline.

Thanks!

Amy Davis

Mr. Nathan Crane  
Community Development Director  
Highland City

Dear Nathan:

At the Public Hearing on Dec. 18th there were public comments (mostly from the Bull River neighborhood to the south of us) asking the city to keep the Country French trail as-is (running through 25 backyards). There were also comments from Country French residents asking not to keep the trail as-is. Our neighborhood did not receive the flyers about the meeting. I assume the City Council will also consider the 40 names we had on our petition and the dozens of letters, e-mails and comments we submitted at the City Council meeting in the Fall. I would also hope that our input would be given greater consideration due to the fact that this easement is on our property.

I sent an e-mail and a letter to the HOA president of Bull River a few weeks ago to try and open a dialogue to work together on finding an alternative that might work for both neighborhoods because I feel it's important not to create hard feelings and if both parties are represented I am certain we can come up with a solution. I have met several kind people in Bull River and my kids have made several friends who live there as well. I think the solution needs to be cooperative and a win/win for everyone. I have not had a response yet.

I have gone to the city offices and looked through the files on the development of Country French and the discussions surrounding that. In 2004 the developer and the city were in discussions to get approval for the development of Country French. In order to move forward, they needed the approval of the city council. During that time one of the city council members lived in Bull River and led the discussions on the restrictions he wanted to impose on the development of our neighborhood because of the close proximity to his own neighborhood. In order to get approval, the developer agreed to an 80' no-build zone restriction (a very uncommon and probably unprecedented restriction), a 20' trail easement on the perimeter lots as well as agreeing to plant a border of trees around the perimeter of Country French. This was in 2004 when the real estate climate was much different than it is today and I'm sure the developer was anxious to get his plans going to capitalize on the market and so those terms were agreed upon. We had no voice in those discussions.

My opinion is that I feel that the 80' no build zone is an ample buffer zone between the neighborhoods and to impose both the no-build zone and the trail easement is too much. I think that the city council member driving the restrictions and final approval was taking

advantage of the situation. I would ask the city council today to look at alternative solutions such as using the land (owned by Highland City) in the open space of Country French to put in a trail. This land borders Bull River so that neighborhood could have access to the trail and could also connect to the Dry Creek trail on lot 54 in Country French. This would allow a continuous trail for access to Ridgeline Elementary and the current trail system. There was a concern voiced about having to cross two streets. These streets have very low traffic and would not pose a safety concern. You could paint a crosswalk and even have a speed bump if that is a legitimate concern. Having the trail cross these low traffic, interior streets also allows access to the trail for both Bull River and Country French residents. I have spoken with the Patterson (who owns lot 54) and they are open to having a discussion about it. It is a highly unusable lot.

Another trail option is to simply move the trail onto the unusable property east of Country French, west of the canal. This property is owned by residents of Bull River but is unusable because it is on the west side of the canal. The access point for Bull River could be the southeast corner of lot 43 (our lot) where there is currently an old road access point. It could still connect to the Dry Creek trail at its current location. I've included a map showing both options. Of course, this is not up to me, but I am trying to help find a solution that might work for everyone.

For the record, I also want to respond to the letter to Highland City from Rob Holmes regarding our fence permit at 6557 W Normandy Way because it has strong, negative accusations that are untrue. I obtained all of the necessary paperwork to apply for a fence permit from Highland City. I completed the forms accurately and completely. My intentions were clear and specific. I was applying for a fence permit to fence on my property lines with a 6' full privacy trex fence. I did not attempt to keep any of my intentions secret or vague; they were completely transparent. I submitted the paperwork in person to Mr. Nathan Crane. He personally reviewed my fence application, pulled out the large scale plat map of country french, pointed to my lot (lot #43) and asked if this was my lot. I answered that it was. He said "ok", signed the paperwork, and then I paid my money to the city. There was never an attempt to falsify or hide anything and my fence permit was legally and ethically obtained. We then proceeded to landscape and fence our yard because we had the necessary permits.

I plan on attending the City Council Meeting January 24th at 7:00pm to voice my opinion.

Thanks for your help!

Jeff & Amy Davis  
801-735-2011  
[amy@thereadystore.com](mailto:amy@thereadystore.com)

September 20, 2011  
Highland City Council Meeting  
7:00 P.M.

## **Petition to Relocate the Country French Trail Easement**

Highland City Council

Currently there is a 20 foot wide trail easement that runs through the backyards of the perimeter lots in the Country French Estates Development in Highland. We would like to have this easement moved for a variety of reasons including (but not limited to) **safety** for the trail users and neighborhood, **liability** for the city and property owners and **conservation of city funds**. It is our desire to have the easement moved off our private property and to a more suitable location. Below are the bullet points of the reasons why we think the easement should be moved.

- 1. PRIVATE PROPERTY LIABILITY:** The current trail easement runs through private property. This can open property owners up to liability from the trail and people using the trail because it is on our private property, even when the trail is not developed.
- 2. SAFETY FOR PROPERTY OWNERS:** The trail easement presents a safety issue to property owners. The trail easement in Country French creates easy access to private homes and property as well as seclusion for suspicious acts and prowlers.
- 3. SAFETY FOR TRAIL USERS:** The trail easement presents a safety issue to those using the trail. The trail easement creates a continuous, blind corridor with no exit points. If our children (or us) were using the trail and a predator approached, there would be no exit points to escape. It also offers seclusion for suspicious and/or criminal acts.
- 4. OTHER OPTIONS:** There is already designated Public Open Space in Country French owned by Highland City that could provide a trail access from Bull River to the other trails to the north of Country French. This would also be a lower cost solution for the city as it is a shorter distance and is currently owned by Highland City.
- 5. COST TO THE CITY/TAXPAYERS:** The majority of the trail simply parallels the sidewalk. This is redundant and wasteful of city funds.
- 6. IMPACT TO PROPERTY OWNERS:** This trail negatively affects the property owners by limiting their ability to use the private property they have paid for. It also negatively affects our property values and has turned away potential buyers in developing this beautiful neighborhood.

## **SIGNATURES**

The following individuals have given written permission to sign this *Petition to Relocate the Trail Easement in Country French Estates*.

- 1. Jeff Davis** 6557 W Normandy Way, Highland, UT
- 2. Amy Davis** 6557 W. Normandy Way, Highland, UT
- 3. Britney Littledike** 6547 W. Normandy Way, Highland UT and 11259 N. Calais Circle, Highland UT
- 4. Michael Littledike** 6547 W. Normandy Way, Highland UT and 11259 N. Calais Circle, Highland UT
- 5. Melanie Westcott** 11252 Provence Circle, Highland, UT
- 6. Lincoln Westcott** 11252 Provence Circle, Highland UT
- 7. Brian Ashton** 6663 W. Normandy Way, Highland, UT
- 8. Donna Melinda Ashton** 6663 W. Normandy Way, Highland, UT
- 9. Roger Stewart** 11322 N. Normandy Way, Highland, UT
- 10. Laura Mortensen** 11256 N Calais Circle, Highland, UT and 11285 N Normandy Way, Highland, UT and 11262 N Normandy Way, Highland, UT
- 11. Craig Mortensen** 11256 N Calais Circle, Highland, UT and 11285 N Normandy Way, Highland, UT and 11262 N Normandy Way, Highland, UT
- 12. Candace Wagner** 6717 W. Normandy Way, Highland, UT
- 13. Aaron Wagner** 6717 W. Normandy Way, Highland, UT
- 14. Paulette Santiago** 11272 Calais Circle, Highland UT
- 15. Mark Santiago** 11272 Calais Circle, Highland UT
- 16. Gloria Williams** 11292 N. Normandy Way, Highland, UT
- 17. Ken Williams** 11292 N. Normandy Way, Highland, UT
- 18. Brian Kap** 6479 W Bull River Dr., Highland, UT
- 19. Lynette Kap** 6479 W. Bull River Dr. Highland, UT
- 20. Bruce J. Nelson, Trustee of the Robert D. Kent Trust** 6602 W. Normandy Way, Highland, UT and 6619 W. Normandy Way, Highland, UT
- 21. Dave Grant**, Realtor in Highland/Alpine area.
- 22. Natalie Gustin**, Realtor in Highland/Alpine area.
- 23. Hector Bori** 2537 W. Pebble Creek Lane, Lehi, UT
- 24. Holly Bori** 2537 W. Pebble Creek Lane, Lehi, UT
- 25. David Pyne** 445w 400N Provo, UT
- 26. Brittany Pyne** 445w 400N Provo, UT
- 27. Garret Williams** 11292 N Normandy Way, Highland, UT
- 28. Dustin Schulthies** 11242 N Normandy Way, Highland, UT
- 29. Jodi Schulthies** 11242 N. Normandy Way, Highland, UT
- 30. Michael Maines** 11272 N Normandy Way, Highland, UT
- 31. Angela Maines** 11272 N Normandy Way, Highland, UT

## **SIGNATURES, Continued...**

The following individuals have given written permission to sign this *Petition to Relocate the Trail Easement in Country French Estates*.

- 32. Michelle Mitchell** 6602 W. Normandy Way, Highland, UT & 11342 N. Normandy Way, Highland, UT
- 33. Marc Mitchell** 6602 W. Normandy Way, Highland, UT and 11342 N. Normandy Way, Highland, UT
- 34. Danielle Bailey** 6625 W. Burgundy Court, Highland, UT
- 35. John Bailey** 6625 W. Burgundy Court, Highland, UT
- 36. Laura Smith** 6589 W Bull River Rd., Highland, UT
- 37. Curtis Smith** 6489 W Bull River Rd., Highland, UT
- 38. Clyde Redford** 6649 W Normandy Way, Highland, UT
- 39. Shauna Redford** 6649 W Normandy Way, Highland, UT



Amy Davis <amy@thereadystore.com>

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## Country French Estates Trail Easement

1 message

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Michael Littledike <mlittledike@capitaonline.com>

Wed, Sep 14, 2011 at 11:22 AM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Cc: amy@thereadystore.com

Nathan,

My wife Britney and I own a house in Country French Estates. We also own an additional lot that faces the ravine in Country French Estates. Along with our neighbors, we would like to add our vote to have the easement on our lot taken away. There are multiple reasons for not having the easement there and few, if any, good reasons for leaving it there. My wife is very hesitant to build our new home on our additional lot because of the fear of people freely walking through our back yard and being able to see directly into our house. With a new baby on the way this has weighed heavily on our minds. We are also concerned about the fact that we would be paying taxes on land that we have purchased, but we are not able to use it. Our lot is much wider in the back than in the front, therefore a 20 foot easement would take up a very large percentage of our back yard. I know many individuals that have passed on building in our neighborhood because of this easement. Me and my wife feel that this easement for a future trail would create much more of a liability for our neighborhood than it is worth for the city putting it in. Please do what is possible to raise the easement so that our neighborhood can continue to grow and be a safe and secure environment for our children to be raised in.

Thank you for your time and consideration.

Sincerely,

—  
Michael Littledike  
Capita Financial Network  
Office: [801-566-5058](tel:801-566-5058)  
Cell: [801-889-8380](tel:801-889-8380)  
Fax: [801-208-1113](tel:801-208-1113)  
[www.CapitaOnline.com](http://www.CapitaOnline.com)



Amy Davis <amy@thereadystore.com>

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## Country French Trail Easement

3 messages

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Brian Ashton <bashton@precisiontimeco.com>

Mon, Sep 19, 2011 at 11:56 AM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Cc: amy@thereadystore.com, Melinda Ashton <dmelinda.ashton@gmail.com>

Dear Nathan and Tim,

My wife and I own lot 8 in Country French Estates (6663 W. Normandy Way). We are writing to you to request that the Highland City Council move the 20 foot trail easement located at the back our property to a more suitable location. There are several reasons that we would like to see this happen:

1. The trail easement presents a safety issue for our us and our six children ages 2-12 who play in our backyard along the trail easement daily.
  - a. Having a trail easement literally in our backyard gives easy access to our home and our children to anyone who chooses to go there regardless of their motivations. Since we do not have neighbors who live behind us, it is unlikely that someone trying to break into our home or take one of our children would be easily spotted.
  - b. There is a creek not far from our backyard that especially during the spring runoff presents a safety issue for our children, but specifically for our boys ages 2 and 4. This is a real concern for my family as we had a couple of nephews drown a few years ago. We would like to install a fence to keep our youngest children in the backyard, but feel that we cannot do so until this issue is resolved.
2. Because the trail easement runs directly through private property, it opens us up to liability as property owners. I am particularly concerned about this liability as I have a trampoline in my backyard. As long as the easement and/or trail exist, my ability to keep anyone who wants to be on the trampoline off is limited. This liability exists even if the trail is not developed.
3. The trail easement negatively affects our property value and makes it difficult more me to use land that we paid for. It also makes it more difficult to sell our property should we choose to do so.
4. There are other options, including a sidewalk that directly parallels the trail easement. This sidewalk is already installed, is more visible, which creates fewer safety issues, and could become the trail at no cost to the city. In fact, moving the trail to the already developed sidewalk seems like a prudent choice given the challenging financial position that Highland and most cities face right now.

5. Finally, I am concerned about the precedent that this easement sets for the city. In effect, the trail would take private property without compensating owners for the loss of that property. This does not seem like the kind of approach to private property rights for which Highland City wants to be known. Furthermore, it seems to run counter to what is fair and the general beliefs of most of our citizenship.

I appreciate your considering our request to move the trail easement. I look forward to seeing each of you at the city council meeting on Tuesday, September 20<sup>th</sup>.

Best wishes,

Brian & Melinda Ashton

P: (702) 813-8387

E: bashton@precisiontimeco.com

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**Brian Ashton** <bashton@precisiontimeco.com>  
To: "amy@thereadystore.com" <amy@thereadystore.com>  
Cc: Melinda Ashton <dmelinda.ashton@gmail.com>

Mon, Sep 19, 2011 at 1:31 PM

FYI

Begin forwarded message:

**From:** Tim Irwin <timirwin12551@yahoo.com>  
**Date:** September 19, 2011 12:58:44 PM MDT  
**To:** Brian Ashton <bashton@precisiontimeco.com>  
**Subject: Re: Country French Trail Easement**  
**Reply-To:** Tim Irwin <timirwin12551@yahoo.com>

Brian,

Thank you for your thoughtful memo regarding the trail easement. Currently I am the chair of the planning commission. This issue has not come before us and I am not sure that it will. The council has an open space committee that is dealing with most of these issues.

I am, however, running for city council. So if elected I will deal with this issue. I would very much like to meet with you and several of your neighbors to understand fully what you are proposing. I

definitely feel property owners right to privacy and safety takes precedence over a trail. I will be at the council meeting tomorrow night and I look forward to talking with you.

Tim

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**From:** Brian Ashton <[bashton@precisiontimeco.com](mailto:bashton@precisiontimeco.com)>  
**To:** [nathanc@highlandcity.org](mailto:nathanc@highlandcity.org); [timirwin12551@yahoo.com](mailto:timirwin12551@yahoo.com)  
**Cc:** [amy@thereadystore.com](mailto:amy@thereadystore.com); Melinda Ashton <[dmelinda.ashton@gmail.com](mailto:dmelinda.ashton@gmail.com)>  
**Sent:** Monday, September 19, 2011 11:56 AM  
**Subject:** Country French Trail Easement

[Quoted text hidden]

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**Amy Davis** <[amy@thereadystore.com](mailto:amy@thereadystore.com)>  
To: Jeff Davis <[jeffd@thereadystore.com](mailto:jeffd@thereadystore.com)>

Mon, Sep 19, 2011 at 1:47 PM

----- Forwarded message -----

From: **Brian Ashton** <[bashton@precisiontimeco.com](mailto:bashton@precisiontimeco.com)>

[Quoted text hidden]

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Amy Davis &lt;amy@thereadystore.com&gt;

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## Country French Trail Easement

3 messages

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Jeff Davis <jeffd@thereadystore.com>  
To: Amy Davis <amy@thereadystore.com>

Mon, Sep 19, 2011 at 4:24 PM

Dear Nathan and Tim -

My name is Jeff Davis and my wife and I recently built a home in Country French Estates. I am writing you on behalf of our family and other families within our neighborhood to request that the trail easement that currently runs along the back of our lots be moved to a more suitable and less intrusive location. Currently the trail easement runs along the back 20' of our lot. We are requesting that this trail easement be moved for a variety of reasons, including the following:

- Safety - if completed, this part of the Highland Trail system would be very secluded and an ideal location for any sort petty or more serious criminal activity.
  - Because our neighborhood is more isolated and upscale, it has been and would have increased potential for criminal activity. Within the two weeks of us living in the home, we had the street light in front of our house smashed by vandals. Before I had a chance to contact the city about it, within a few weeks, brother-in-law had his car window shattered again by vandals. At this point, I contacted the police and filed a report. In my conversation with the police officer, it was mentioned that our neighborhood had been a target in the past and had said that in the empty lot next to us, they had arrested two people in a car using drugs. He mentioned that this neighborhood has seen increased criminal activity due to the proximity to Highland Boulevard that goes over Suncrest into Salt Lake County. Our immediate neighbor (Michael Maines) had a car broken into in his driveway a few months ago as well. Adding a secluded access point in the form of a city trail behind our homes, would increase the danger to our property and children.
  - Adding to my safety concerns is the irrigation canal that runs near our home. This year the canal was very full and fast moving. I have five young children that range in age from 3 to 11 and could be in danger from this canal. My 5 year old son is also hearing impaired and would have a difficult time calling for and receiving help if he were to get to close. We need to be able to fence our yard to protect our children.
- Negative effect on property values - the reality is that while some citizens might enjoy a trail system, very few want them running through their yards. This has had and continues to have a negative influence on the value of homes in Country French Estates. This neighborhood has the potential to be a beautiful, standout neighborhood for Highland City. Moving the trail to a more suitable location will help this neighborhood be developed.
- Liability - having a trail running through the yard opens up the homeowner to potential liability from injury that may occur on our property. This is especially the case in an upscale neighborhood where the perception might be that the homeowner has more money and therefore a lawsuit has more potential.
- Private property concerns - the lot that we purchased is approximately 40,000 square feet and cost \$199,000. The current trail easement would take 250' x 20' from the back of my lot or approximately 5,000 square feet. that means I paid \$25,000 for land that Highland City is taking without compensating me for it. Many other home and land owners in the neighborhood paid much more for their land and as a result their costs are much higher. Taking private property for public use without compensation looks like very bad public policy to me.
- Options to move the trail - There are other options to move the trail that will have a much smaller impact. We would love to meet to discuss these possible locations, but some ideas include

- o moving the trail the sidewalk that currently parallels the proposed trail
- o moving the trail to existing open space within the neighborhood
- o connecting the trail to the existing trail that runs along Highland Blvd
- Cost savings - Trail systems are extremely costly to install and maintain. By moving the proposed trail in Country French you will alleviate the concerns listed above, as well as save the tax payers money.

I know the city has a lot going on and I very much appreciate you taking the time to consider moving this trail easement. I plan on attending the city council meeting this Tuesday, September 20th to discuss the issue further. If you have any questions for me, please don't hesitate to contact me.

Best regards,

Jeff

Cell: [801-787-3942](tel:801-787-3942)



Jeff Davis | CEO/President

[jeffd@thereadystore.com](mailto:jeffd@thereadystore.com) (801) 553-7088 (801) 553-9322

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**Amy Davis <[amy@thereadystore.com](mailto:amy@thereadystore.com)>**  
To: [nathanc@highlandcity.org](mailto:nathanc@highlandcity.org), [timirwin12551@yahoo.com](mailto:timirwin12551@yahoo.com)

Mon, Sep 19, 2011 at 5:45 PM

[Quoted text hidden]

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**Amy Davis <[amy@thereadystore.com](mailto:amy@thereadystore.com)>**  
To: [nathanc@highlandcity.org](mailto:nathanc@highlandcity.org), [timirwin12551@yahoo.com](mailto:timirwin12551@yahoo.com)

Tue, Sep 20, 2011 at 9:22 AM

----- Forwarded message -----  
From: **Jeff Davis** <[jeffd@thereadystore.com](mailto:jeffd@thereadystore.com)>  
Date: Mon, Sep 19, 2011 at 4:24 PM  
Subject: Country French Trail Easement  
To: Amy Davis <[amy@thereadystore.com](mailto:amy@thereadystore.com)>

[Quoted text hidden]



Amy Davis <amy@thereadystore.com>

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## French Country Trail Easement

1 message

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Gloria WILLIAMS <glo\_willi@msn.com>

Fri, Sep 16, 2011 at 12:31 AM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Cc: Ken Williams <k\_willi@msn.com>

Dear Nathan and Tim,

Within the last month we have moved into French Country Estates. While we are very excited to be a part of the Highland community, we are extremely concerned with the planned trail behind the perimeter homes of the community and the associated easement. We are asking for your consideration in removing the easement and searching for a viable alternative to the planned trail. I am confident there should be a solution. The reasons we feel strongly about removing the easement are varied, the following are a few of these reasons:

Regarding the trail, we believe that if built it will create serious risk and liability not only to us as the homeowner, but also to the city of Highland. We are concerned with the access that this trail will provide to outsiders and potentially predators to our home and family. Likewise visitors to the trail will be subject to potential risk as the trail, as we understand it, will run behind the homes creating a "corridor" feel with no easy exit or escape route should they encounter any suspicious acts or characters.

Additionally as this is an easement, the property will be subject to being insured and insured at potentially higher values and rates by the homeowner. This increased expense is only to protect the homeowners from potential claims associated with accidents that occur on the trail. Is the city contemplating indemnifying the homeowners from claims resulting from harm or accidents that do occur?

One other concern that we have is the impact that the easement will have on our property and community values. As mentioned, we recently moved into our home, which we love, but as we learned about the easement and the restrictions that are placed on our property we strongly considered canceling our contract

Nathan,

I wanted to say a word for the "Country French Easement Trail". I was the listing agent on a home that has recently sold in the subdivision. As far as being open to property ownership and having a real interest in selling property in Highland City. I have sold a few properties very close to this subdivision and in this subdivision and I do want to say, many people (future and present) owners are very interested in putting a fence right directly on the property line. I've really feel that home owners are really going to push this and I can understand why. If I owned a home in that specific area, it would be extremely hard for me not to be able to have the type of backyard that I want. Especially when you spend soo much for a property, I would absolutely be horrified that I could not put a fence on the far end of my property and not to have the ability to install a pool or sport court. I am in favor of this and the owners in the area. Over my listing period I spoke with most all the neighbors in the area and none were in favor of this back yard easement that cuts there property short, especially with the amount of money people put in there yards and homes. I'm hoping there is a solution for both parties involved, but I think that people feel extremely strongly about this. I wish the city the best on this. I just wanted to put my thought out to you and the city. Good luck!

Call me anytime if you'd like a 3rd party opinion or want to speak on this matter.

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**Dave Grant, Real Estate Consultant**  
**Prudential Utah Real Estate**  
**Email: [GrantTeam1@gmail.com](mailto:GrantTeam1@gmail.com)**  
**Website: [www.GrantMeAHome.com](http://www.GrantMeAHome.com)**  
**Cell: 801.400.4501**



Amy Davis <amy@thereadystore.com>

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## Country French Trail Easment

1 message

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Lincoln and Melanie Westcott <westcotts@gmail.com>

Mon, Sep 19, 2011 at 5:10 PM

To: mathanc@highlandcity.org, timirwin12551@yahoo.com

Bcc: amy@thereadystore.com

Mr. Crane and Mr. Irwin,

We live in Country French Estates. Our property does not have a trail easement, however we do support the petition that will be represented at tomorrow night's meeting (Tuesday, Sep. 20th).

It would make sense for the current trail that runs behind Bull River and Normandy Way to be completed by an access point to Normandy Way on the north side of the 6602 West Normandy Way property. Those wanting to continue on the trail system could then use the city sidewalks on Normandy and join back on the trail at Highland Blvd.

This could be completed soon at very little cost.

There could also be a short access path running north to south from Normandy to Sunflower around where the gully easement is, roughly across from Provence Circle. I live on Provence Circle and observe several people from the Sunflower/Tamarack neighborhood using this currently undeveloped land to cross into our neighborhood.

They then proceed on the sidewalks of Normandy way and connect down through an undeveloped path to get to the developed (but in need of repair) path/juncture between Bull River and Normandy Way. Our family also uses this route to connect between the 3 neighborhoods. Our children and their friends use them regularly. We would be sad to see these access points made unavailable.

Since these two small undeveloped paths are how everyone currently accesses these trails, it would make sense to pave these two small areas and get rid of the trail easement that affects those with properties lining Normandy Way. As long as these 2 currently unpaved pathways remain accessible, all neighbors should be content. It also would make sense to pave these within the near future since both proposed access points do not have houses currently being developed on them. Once the owners begin to develop these areas, the access points may become a topic of debate again if a paved pathway is not already in place.

No one currently uses the trail easements along the properties of Normandy Way. I propose we get rid of them now, save cost to the city, allow the Normandy Way property owners full use of their own property, and create 2 small permanent pathways between the Bull River Rd. neighborhood and Country French neighborhood and between the Sunflower/Tamarack neighborhood and Country French neighborhood. Normandy Way's current sidewalks would then replace the need for the trail easements along the backs of the Normandy properties and the trail system would still be fully accessible.

Thank you for your review of this.

Sincerely,

Melanie Westcott  
11252 N Provence Circle  
Highland, UT



Amy Davis <amy@thereadystore.com>

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## Country French Trail Easement

1 message

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Aaron Wagner <aaron@soldbywagner.com>

Mon, Sep 19, 2011 at 6:21 PM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Highland City,

My name is Aaron A Wagner, I live at 6717 W Normandy Way, Highland Utah. In the Country French Subdivision.

I am writing in regards to the easement that effects my property. There are many reasons that this easement needs to be moved immediately. The financial impact, safety and Liability that I am subjected to because of this easement is something that I am not comfortable with. Myself and the other members of the community are strongly in favor of having this easement removed from where the plats show it currently. I am an active member of the Utah County Board of Realtors, and in speaking with many of my associated, it has been confirmed time and again that such an easement would substantially damage our property values and create security and safety threats to the residents that were effected by it. I would hope that the city would see the light in regards to moving this easement, as its original plan had many flaws when thinking about the residents safety and security. I have spoken to my attorney and I am willing to do what ever is necessary to make sure this is dealt with.

I will be at the city council meeting tomorrow night, please come prepared with a plan to remedy this issue.

Sincerely,

Aaron

Aaron A Wagner  
Realtor®, e-Pro®, SFR, EMS  
Equity Real Estate  
Office. 801-763-7779  
Mobile. 801-735-4656 ( Yes I Text )  
Toll Free. 888-952-2766  
[aaron@SoldByWagner.com](mailto:aaron@SoldByWagner.com)  
[www.SoldByWagner.com](http://www.SoldByWagner.com)



If you need immediate assistance, and I am unavailable. Please contact my assistant:

Teresa Severe: [801 763 7999](tel:8017637999)

September 19, 2011

To Whom It May Concern:

My name is Natalie Gustin with Secure Real Estate. I have been involved in construction and Real Estate for over ten years. I am writing this letter today to address serious concerns regarding the Country French Estates neighborhood. The Easements along the private owner's property is not only infringing on their rights as a property owner, but puts each owner at severe and extreme legal risks. Not to mention the fact that these homeowners cannot fully utilize the property that they paid a great deal of money for. It's absolutely ludicrous that the city is commandeering up to a third of the parcels for their "Trail." I believe it's downright unconstitutional. The homeowners should not be banned from full use of their property to build a fence, pool, sheds, basketball courts, tennis courts, etc. that would add to the value of their home and property.

Any accidents that occur along this trail **would result in lawsuits against the individual property owners**. In my professional opinion, I believe this also dramatically **reduces** the resale value on these properties. Potential Buyers would be scared away with the Easement requirements and would then purchase properties in other neighborhoods or cities without these extreme restrictions. The trail should be moved to another location so as not to impede on the constitutional rights of the property owner and their ability to use the land as they intend to.

Please feel free to contact me with any further questions.

Sincerely,

Natalie D. Gustin

Secure Real Estate

(801) 404-2822

Trails Master Plan Amendment Comments - Open House 12/13/11

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Comment</u>	In favor of trails committee recommendation	In favor of staff recommendation	Opposed to trails master plan amendment
JaLaine Taylor Kristen		801-763-7351 801-492-9082	Walk Please don't let go of easement or land currently owned by the city. Some of that land are proposed eliminated trails and it doesn't seem to make sense to sell land back until some future development is done so we really know what actually works. Also many have complained about trails in backyards but the main E/W trail that exits on 6400 W and goes to the city buildin is through backyards. It is a fabulous trail and could only be in backyards. Trails along roads are different. Finally, sometimes, redundancy is important because it creates a loop that is a better flow.			
Melanie Westcott	11252 N. Provence Circle	801-216-4693	Country French Esates. Where there is a house on Normandy Way next to the "Neighborhood Option Trail" many of us want an access point from the west side of that house to the "Neighborhood Option Trail" (if the Neighborhood Option Trail remains)		X	
Sterling Jackson	6113 W. Lausanne	801-756-5603	Eliminate proposed trail north of the substation in Highland Hills/ Chamberry Way. I would like to see the "native grasses" south of the "sled hill" near Chamberry Way improved by sodding them. Native grasses look like junk between homes.	X		
Pam Erickson	11486 N. Sunset Hills		I want a north south trail access from the Timp Highway and to go on the east side of Country French. Get rid of the proposed trail on the west of Country French and connect to the trail that goes over to the elementary school.		X	
Robert Harris	6581 W. 10030 N.	801-766-6310	I am in favor of abolishing the trail that surrounds the Wimbledon subdivision as I believe that it is redundant with the proposed Mitchell Hollow trail. Roads provide sufficient access into and through Wimbledon. Trails as a rule should provide access to areas otherwise not available for use such as Mitchell Hollow and Dry Creek.		X	
Mark Beesley	11165 N. Yarrow Circle	801-879-4864	Shocked the city would consider breaching its agreement with Bull River HOA to keep a trail/easement and not build zone between Country French and Bull River.	X		
Anonymous			I opposed putting trails through people's backyards or close to them!			X
Lyle Ball	6674 W. 10770 N.	801-369-9006	Please place the Dry Creek trail "south" of SR92 along the high water shoreline on the east side of the seasonal water basin. Not along my grass. Thanks. Please develop the east side of Country French to connect the north Dry Creek trail to SR92 to connect the "Horseshoe", Canterbury, & Murdock Trail users with a Natural corridor to the mountains - not the "Roadside sidewalk trail" along Traverse Ridge Blvd.	X		
Edward Lee	10667 N. Canterbury Drive	801-770-2968	Want to know what Highland City plan is for the little piece of land between Murcock Canal and our property.	X		
RueAnn Ormand	11165 N. Yarrow Circle	801-492-3762	In favor of the proposed trails committee recommendation - But will agree with French Country Estates to get rid of East/West part of trail as long as allow connection with Dry Creek trail so kids can get to Ridgeline. At very least keep west portion of Dry Creek Trail. But many outside Dry Creek use the Dry Creek trail so don't allow this to be a Neighborhood Option (although have to address easement problems there).	X		
Robert Holmes	11186 N. Tamarack Drive	801-756-4300	I want the city to honor its agreements with the Bull River Community to maintain the buffer zone/trail easement bordering the Country French Estates.			X
JoAnn Stevenson	6037 W. Chamberry Way	801-763-8595	Eliminate the Connector trail in Highland Hill north of the substation. Residents walking the trail can use the street access on Chamberry Way. This promotes more safety for resident whose backyards are otherwise exposed.			X
Jay & Nancy Worthington	9831 N. Oxford Court	801-216-4194	Please do not do away with the perimeter trail around Windsor Meadows.			X
Julie Hendricks	10182 N. 5750 W.	801-756-2265	Need to keep east side of Wimbleton Park trail. Try to have Majority of trails off of streets, I always use trails in Windsor Park.	X		
Craig Hendricks	10182 N. 5750 W.	801-756-2265	Please keep trail in Wimbleton - at minimum on the East side. Please do not eliminate any trails until parallel systems are developed. Would like to keep all trails in Windsor. Generally agree with the premise of the master plan, but do not like trails along streets.		(Closer to this one)	
Trent Vukich	6687 W. Broadleaf Hollow Lane	801-717-0535	I liked the proposed trails in the Country French and Dry Creek Bench areas.	X		

JaLaine Taylor	11146 N. Yarrow Circle	801-763-7351	Please do not abandon Country French trail easement or Ivory easement. 1. Connectivity. 2. Open space & beauty. 3. These easements are part of an AGREEMENT made with developers & Bull River. An agreement should not be changed just to benefit a few.	X
Adam Stevenson	6037 W. Chamberry Way		I would prefer that the connector trail north of the power substation in Chamberry Field subdivision be eliminated. It would also be possible to move the trails to the south of the substation.	X
Amy Thomas	9873 N. Coventry Court	801-692-1273	Please keep my trail system in our neighborhood! My family uses the the Neighborhood trail system in Windsor Meadows subdivision on a regular basis. My backyard borders the Murdock Canal trail. I am concerned about the safety of the neighborhood children & the homes near the trail. Please leave the existing chain link fence up.	
Jennifer Guiver	Coventry Court	801-763-9022	Please retain the chain link fence along the Murdock Canal. WE would like to keep our homes and children safe from the increased traffic along that new trail. Also, when you connect the city trail to the Murdock Canal, if you cold put in a gate rather than leaving it open, we would really appreciate that. Without the ability to put in privacy fences, we are worried about the increased accessibility to our backyards from both the road behind our homes and the Murdock Trail. Point #2 We would really like the city to finish landscaping the open space along the Alpine Highway on the southeast side of Windsor Meadows. I understand that there were issues with accessibility to water previously. Hopefully, those issues can be overcome and the city will be willing to pay to grass that area. It is the entrance to our beautiful city and yet it looks so bad. It seems like grassing that one area would have a huge impact on the way our city presents itself to others.	

Trails Master Plan Amendment Comments - Open House 12/13/11

Name	Address	Phone	Comment	In favor of trails committee recommendation	In favor of staff recommendation	Opposed to trails master plan amendment
Jenny Brooks	11968 N. Ithica Drive	801-770-2607	I'm in favor of the connector trail on the north side of the substation in Highland Hills. I look forward to being able to use the trails as a runner & cyclist once they connect instead of a dead end. I also run the trail that begins on 11800 North goes down the gully & out in Dry Creek. It is a great trail that gets a lot of use. I would hate to see it taken out. The trail system was one of the reasons we bought in Highland. We're excited to see it all come together. *I find it confusing when trails are choppy (i.e. ending on one street & continuing a block over). When running on new trails in new neighborhoods, it is easier to navigate when they flow well or are well marked.	X		
R. Willard England	10802 N. 5750 W.	801-492-9272	I think it is important/good to have trails in Highland that connect paths and trails together. I own horses and would like to be able to ride from my house around Highland. I prefer direct trail, rather than blacktop or concrete it would be best to have trails that aren't roads. Some horses don't deal well with vehicles. It would be nice to be able to ride from my to Hogs Hollow, The Utah County Equestrian Center, AF Canyon, the Murdock Canal trail, etc. Without having to trailer the horse to a trailhead! I think it is important to have a nice trail system so all Highland residents can enjoy them. Thanks.			
Dave Hall	9748 N. Canterbury Park Circle	801-492-9178		X		
Mark Thompson	For Lehi Ditch Company		Wimbleton east trail - needs to be piped. Harmon Ditch.			
Aaron Dayley	6286 W. 10830 N.	801-375-9272	I fear taking my family on 6400 West because it is unfinished without sidewalks. In other words, the access to the nearest trail is poor and hazardous. Otherwise we love trails.	X	X	
Mike Ball	11984 N. Westfield Cove Drive	801-368-1713	Please get rid of any old unused easements. They are an eyesore and a burden.	X		
Wendelin Knobloch	<a href="mailto:wendelin@afcity.net">wendelin@afcity.net</a>	801-815-7969	Please do not eliminate any trails. It would be nice to keep the trail through the golf course on the map, even if it cannot be constructed currently. Also, it would be nice to look a little closer at the connections to neighboring communities in order to make sure that they work.			
Brian Sargent			My only concern is that there are a lot of trails. Can we possibly maintain this many? I know of several that are currently needing to be rebuilt.	X		
Gary Smith	11077 N. Gambol Oak Circle	801-756-5469		X		
Brad & Linda Watton	11144 N. Sunflower Drive	801-362-0330	We want trails.	X		
Judy A. Smith	11077 N. Gambol Oak Circle		Please maintain original agreements on Country French - stay with the trail committee proposals.	X		
Brent Pugh	6562 W. Avery Avenue	801-870-0468	The trail going thru Horseshoe Bend is now blocked by a house. This will become a dead end trail requiring people to run/bike on the road. There is a simpler connection.			X
Aaron Wagner	6717 W. Normandy Way	801-735-4656	The trail behind my house is not functional. It has been more of a privacy concern and safety issue than what it provides for functional use. I am completely in favor of the staff's recommendation to remove/eliminate the trail easement behind Country French Estates.		X	
Michelle Cunningham	12306 N. Timberline Drive	801-216-4144	I want all trails outside the city limit to be marked a different color. The trail along Timberline needs to be orphaned because it is a nuisance and a redundant trail. - Spend money on the park we spend already \$10,000 or \$11,000 for that park in our lot fee and we would rather have the park. We want the trails and are glad you are connecting them but we want you to spend money on new trails not redundant trails. Residents who live by the trail should have a say in the the width. Trails should not be more than 20 feet by residential areas or you have a virtual highway behind private property. We feel push back by the city staff - we need them on the resident's side - they ask for our ideas and still say no we can't.			X
Doug Cunningham	12306 N. Timberline Drive	801-216-4144	Trails that lie outside the city limits (Pfeifferhorn - Alpine, Draper City, etc) should be marked a different color. It implies a Highland responsibility that doesn't exist. The Highland open space is redundant along the Pfeifferhorn trail and should be orphaned. Trails that are too wide attract illegal ATVs and motorcycles that are a constant problem along the Pfeifferhorn trail. 20' feet (in Alpine) is just fine, no need to require the Highland easement as part of the master plan.			

Lynn Ruff	10260 N. 6000 W.	801-756-6184	Trails are great - I use many of them to walk, bike & jog.	X
Brian Kap	6479 W. Bull River Road	801-492-0027	I think I sit on the side of "progress". I have tried for 5 years to get resolutions with no movement. I am encouraged by discussion.	

**Excerpt of the Draft Planning Commission Minutes of December 13, 2011**

**PRESENT:** Commissioner: Tim Irwin  
Commissioner: Jay Roundy  
Commissioner Chris Kemp  
Commissioner: Tim Heyrend  
Commissioner: Kelly Sobotka  
Commissioner: Steve Rock  
Alternate Commissioner: Sherry Carruth

**EXCUSED:** Commissioner: Abe Day

1. GP-11-03 A request to amend the General Plan Existing and Future Trails Map to create a new Trails Master Plan. *Legislative.*

Commissioner Irwin read the Planning Commission opening statement:

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

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

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

We thank you in advance for your participation.”

Commissioner Irwin opened the public hearing for this item at [7:32:18 PM](#).

Mr. Crane stated that one of the things Highland is known for is its trails. He indicated that the last update to the trails master plan was done in July of 2009. He explained that what has happened since that time or even before that time is that we have received a lot of complaints from citizens. The Mayor formed an open space committee and one of the things they have been discussing is how to deal with open space. The question starts with what about the trails. Staff

believes that trails are a city wide issue. That is why we are having a public open house this evening, a couple of public hearings before the Planning Commission, and at least one public hearing before the City Council.

Mr. Crane indicated that staff really tried to go out of their way to do public involvement surrounding this item. The trails committee met two different times. The open space committee saw the draft for this on December 5, 2011. To advertise for this item, staff notified affected entities, which is surrounding communities and others like that, with a notice of intent. We did receive some input from Alpine City and we adjusted the plan accordingly. Mr. Crane stated that this item was put on the website, published in the newspaper, and just over 1,100 flyers were delivered to areas surrounding open space. We had a lot of volunteer work from Boy Scouts and others in delivering those flyers. The City really appreciates the help we received. Mr. Crane said that eleven comments were received. He feels that the City has had a fairly good turnout at the open house. We made a lot of effort to get the public involved.

Mr. Crane stated that whenever a decision is made on these types of issues, it is important to get the whole community involved. A decision with trails affects everybody and not just a select group. Mr. Crane reviewed the timeline for this trails master plan amendment. There is the Planning Commission public hearing tonight, the item will come back for a second public hearing on January 24, 2012 where we will ask the Commission to make a recommendation to City Council, and then the City Council will hold a public hearing in February. We will be able to determine dates more as this item is reviewed this evening.

Mr. Crane explained that a number of categories were identified on the trails maps. One is the main City trails category, which is identified in red. He stated that one thing that has really changed our approach to this is the development of the Murdock Canal Trail. With that going in, we are trying to connect as many trails as we can to that Murdock Canal Trail. The neighborhood trails category is shown in brown. These serve directly to a neighborhood or a park. Connector trails are to provide connections to schools, parks, or other main city trails. The reason they have been distinguished is because they are often short. Neighborhood option trails are shown, they are formerly known as nuisance trails. These are trails that we have either gotten a lot of complaints or concerns expressed about them or staff felt they serve primarily the neighborhood area and not the overall citywide trail system. The light blue category is trails that were planned in 2009 for the trails master plan, but are being recommended for elimination on feedback or redundancy on the trail systems that we have.

Mr. Crane referenced the overhead projection of the maps to further show detail. He explained there are a staff recommendation and a trails committee recommendation. The primary difference in the two is the trails committee identified two areas they felt should be a main city trail area. Those two areas were Bull River, which staff recommended elimination and the other area was Wimbledon, which staff identified as a neighborhood trail option.

Commissioner Roundy stated that some of these trails are existing and some only proposed. You look at the forest service and there were times where massive trails were built and because of the economy, there are trails that have been let go because of a lack of funding for maintenance or other issues. He said in a city he feels that would become even more critical that if there are

trails that run through neighborhoods, that the City has money set aside to maintain those perpetually. Commissioner Roundy asked Mr. Crane to address this matter so that it is not a cancer in the future. Mr. Crane expressed that a number of different options were looked at. He explained that a number of the trails shown in blue were planned for elimination or were redundant. He said that staff felt that there was a trail within a certain walking distance to address that. Mr. Crane explained that staff or the trails committee did not go through and do a cost analysis of how much it would cost to maintain each trail. He expressed that the situation today is bleak. We had an original budget for trail maintenance, but that has since been cut in this last fiscal year. Mr. Crane stated that they felt it was better to take a global perspective and reach our goals, which is connectivity and focus on that with a long term perspective versus a short term perspective of today.

Commissioner Heyrend referred to the Dry Creek Hollow Trail and said that it looks as though parts of it were already existing and both the staff and trails committee recommendation were to eliminate that trail. He asked for clarification on that matter. Commissioner Heyrend said it seems to him that this is a fairly good trail to have since it connects to the power line corridor trail.

City Administrator, John Park, joined the meeting at this time. [7:45:47 PM](#)

Mr. Park explained that the feeling was from 6000 West heading to the east was an area that we could not get the property and put a trail through there. He indicated that going to the west, there is a portion of the trail that is along the roadway and then it goes back to the east and we could not figure out how to connect it back into the subdivision. Mr. Park clarified that the City does not have easements along that area.

Commissioner Irwin explained that he would call the names from the comment cards that were received at the open house earlier in the evening and if the individual is present, they are welcome to come voice their comments and/or concerns to the Commission.

Lyle Ball stated that his macro level comment would be that whenever possible, maintain easements, even if you choose to delay development. Or if you choose to remove a trail that exists, if there is a way to maintain the easement for future communities and future residents to access those easements and use it. Mr. Balls stated that obviously there were decisions made historically for those easements to be put in place by a community that wanted them. There are residents now complaining about those, but the use of the easements and the vacation of the easements are two different things. Mr. Ball said that his macro request is to keep those easements. He lives in the Horseshoe community in the cul-de-sac at the far end along Dry Creek's proposed trail. Mr. Ball stated that the Horseshoe, Canterbury, Windsor Meadows, and all the communities south of SR92 have a proposed master trail that those residents hope is built sometime soon. That trail will connect the Murdock Canal and everyone south of the Murdock Canal with the new SR92 corridor trails and the new underpass. The request would be that the proposed trail allows the southern part of the city to connect to SR92. Mr. Ball indicated that the idea of eliminating instead of maintaining trails is worrisome. The elimination of some trails will push trail users, which include children and pets, to trails that are close to busier roads which would have the potential to create future problems. He said that the roadside trails are good for

one purpose, but the natural trails are better. Mr. Ball said that the issue came up of eliminating duplication. He indicated that it is not duplication, there are apples and oranges. One serves a purpose for people who say they do not feel safe in an isolated tree area. The other side is for people who say they prefer not to be out in the open by a road.

Jay Worthington, Windsor Meadows resident, asked that the Commission consider all of the comment cards and comments made tonight. He met with Mr. Crane last week and appreciates the revisions made. He liked that the nuisance trails are now being identified as option trails. He and his wife do not feel these trails are a nuisance; they walk the two trails in their neighborhood 80-90% of the year. Mr. Worthington indicated his subdivision does not have sidewalks and he does not know where the children will ride their tricycles and play if these trails are removed. He requested that the trails be left in place.

Randall Paul, lives on Quail Creek Lane, has spent years as a realtor developer. He expressed that the number one item for value creation is the trails system in a city. Even if residents do not use the trails, they like to be near them. We are connected to nature in this town. We are also a city that loves recreation and nature. Mr. Paul applauded the City Administrator and what staff is trying to do here by coordinating a fine trails system. He said not to lose courage here because of temporary budget constraints; this will be a great investment to work things out carefully. Mr. Paul stated that he is part of a group working with the county to link Highland with a new trail that is going up American Fork Canyon. He encouraged keeping this in mind as the trails are evaluated.

Rob Holmes, has lived in this community for twenty-five years, stated he has seen a lot of interesting development over that time. He said do not let easements that exist go, there is value there. If we do not have a trail there now, the option to put something there in the future ought to stay in our heads. Mr. Holmes expressed that he is the president of a homeowners association and he has fifty voices behind him. He is from the Bull River community and is talking in reference to the border of Country French Estates and Bull River. He indicated that no one in his community is in favor of getting rid of that trail. Mr. Holmes directed a comment to the City that they made an agreement with his community and he would like to see that agreement be kept in place.

Brent Pugh, resident of Horseshoe Bend, indicated he and his wife are big runners and fans of the trails system. He expressed the frustration with the trails system is when the trail dead ends. Mr. Pugh stated that there is now a house located where the trail was proposed through his area. He proposed a modification to the trails system of where the trails system goes to the west at 6400 West that it could head south at 10400 North and meet up with the Murdock Canal Trail and the park there. Mr. Pugh expressed his feelings that this would enhance the trails system. Commissioner Sobotka asked if there is already an easement through there. Mr. Pugh said there is a small easement. Commissioner Irwin indicated that the issue would be that we would need to acquire an easement through that point. Mr. Park said these are great comments. He reviewed a few of the ideas that have been discussed. He stated that part of identifying the whole plan is that we go through vacant stuff, point A to point B. One of the issues once discussed was bridging one of the trails along this area because if we are able to do that, a sewer line could be installed along that bridge which would eliminate the need for a sewer lift station, which in the

long is probably pretty important. As the cost benefit analysis was done, we were not sure that it would be worth it. Mr. Park said this is great input though. Staff will go back and look at these options.

Aaron Wagner, Country French Estates, expressed appreciation for other concerns and comments that have been voiced tonight. He said on the flip side though, they have a voice too. He said he believes that Highland cut a deal with the previous developers and so those residents want to see that deal upheld. Mr. Wagner said the problem for them is that when the developer put that area in, they were trying to make money and get homes and development put in. Now the residents living there have to live with that easement where no trail exists. Mr. Wagner expressed that there is no cost to take the trail out since it has never been developed. He said that staff and the Committee have expressed there is a little bit of redundancy in this trail. He stated that during that evaluation process, the residents had no voice in that. Mr. Wagner said there was a deal that was cut and there probably was not a resistance on their side because they just wanted to get a development in there, but now residents live there and he has kids in the backyard. That in regards to the macro nature of the entire trails system, which he believes in; this trail is very non-functional. The trail goes right behind his home and connects to Highland Boulevard. Mr. Wagner said that their argument is safety, privacy, and essentially taking away half of their backyards because of setbacks versus Bull River resident's concerns. He expressed his desire to raise his family there for the next twenty-five years. There are a lot of solutions that people in his neighborhoods have come up with that still can give residents what they want without going this route. Mr. Wagner stated that there is not a lot of risk for children or runners to be diverted through the neighborhood through some of the sidewalk systems. He firmly agrees and supports the staff recommendation to dissolve that trail and easement. His personal view for an alternate trail location would be that it comes through under the underpass like some of the Bull River residents have proposed and then go off to the east and still service that trail up to the schools.

Commissioner Irwin suggested doing a field trip to visit some of these trails so that the Commission could get a better feel for these areas.

Mark Beesley, Yarrow Circle in Bull River, stated that as he has listened to some of these comments and looked at the maps prepared by staff and the Trails Committee, he originally supported the Trails Committee recommendation. He said it is wise to give up some of these trails for perhaps current economic concerns, but as he thought about it, he remembers back in the 1970's when New York was having some significant financial problems and it was proposed to sell sections of Central Park they could raise significant amounts of money. Not too many people took that seriously; some of those who did were real estate developers. Mr. Beesley stated that as he looked at what we have right now, it seems to be mostly a current economic problem. For the City to dispose of assets because we are in a short term economic problem, this is unwise. Mr. Beesley indicated he went to the Trail Committee meeting and they put a lot of thought into their recommendation. They wanted trails that mainly go through natural areas, trails that formed walkable loops, or that lead from one point to another. He indicated that these trails do form a function. The Country French and Bull River areas allow children to walk to Ridgeline Elementary while only having to cross one street whereas without the trails they would have to cross six streets; most of which are along Highland Boulevard, which is a busy road. Mr.

Beesley expressed that these trails do serve purposes and are well thought out. The Trail Committee came up with a list of criteria and the trails they recommended accomplish that criteria.

Chris Crump, Windsor Meadows, said there is formerly known nuisance trail that separates him and Jay Worthington. He indicated he and his wife submitted an email to Mr. Crane that was included in the Planning Commission packet. Mr. Crump echoed Jay Worthington's comments, especially on those Neighborhood Option Trails. Since there are no sidewalks, his children use the trails to play on. Mr. Crump pointed out that the majority of the audience was from the Windsor Meadows area. He stated that this community does not feel these trails are nuisance trails. He asked if the fence separating the Windsor Meadows area from the Murdock trail will come down. Matt Shipp, City Engineer, indicated that he thought the fence would be coming down. Mr. Crump expressed that if that fence does come down, there will be about two or three redundant trails. He asked to not remove the nuisance trails in his area so that his property and his neighbor's properties do not become thoroughfares.

Melanie Westcott, Country French, referenced Mr. Beesley's comments, and said although she is not crazy about trails all throughout, there does need to be access points from one subdivision to another. She referred to the City owned property from Bull River into Country French that runs through a ravine and said that is currently used as an access point between the two communities. She had Mr. Crane go to the area she is making comments about on the overhead map. She suggested making access points instead of going to the expense of a full trail.

Jennifer Guiver, Windsor Meadows, explained that her neighbor's and her backyard back up to the Murdock Canal. She expressed that if that fence is removed, this creates a big concern for them. She said she has talked to John Park and is going to talk to Provo City. Ms. Guiver asked that something be done if this fence comes down. She commented about the entrance to the city on the southeast side of the Alpine Highway that there is an area that needs to be landscaped. It is an eyesore and needs to be addressed. Mr. Park stepped in and thanked Jennifer for her comments. He said this is probably not in the perusal of the Planning Commission and her comments would be best heard by the City Council as the upcoming budget is formed. There will be open houses that she can keep her eye out for and make her comments known at that time.

Commissioner Sobotka asked if the plan is for the fence along the Murdock Canal to come down. Mr. Shipp indicated that is his understanding that they are coming down. Commissioner Sobotka asked if it would then be the adjacent property owner's responsibility to put up a fence if they wish to close in their backyard. Mr. Shipp said he believes so, but he would need to verify that.

Dean Shupe, Windsor Meadows, made one comment that as a compromise the neighborhood may need to be to give up one trail. Trying to determine what that one trail would be is difficult. There is not one trail in this community that is not valuable to someone. He and his wife walk their dogs almost daily on the trails. He said that if it is a financial issue in regards to the maintenance of the trails; that they are okay as long as they get to keep the trails and as long as in

the future there is a plan to maintain them. He does not want to see the trails torn out because they have deteriorated so much that they become a nuisance.

Commissioner Irwin pointed out that one of the considerations by the Council will be a proposal from the City called a self-determined neighborhood. This will allow various neighborhoods to look at those trails and determine if a neighborhood wants to keep them and have an opportunity to figure out how to maintain them from within the neighborhood.

Jennifer Wilson, Windsor Meadows, said that she agrees with a lot of what has been said. She added that as a mother she has young children playing on the paths a lot because they do not have sidewalks. When she moved into the neighborhood, it was her understanding that because there were not sidewalks, they had trails. Ms. Wilson stated that if those trails are removed then children going to the bus stops will have to walk along the roads. She said she would not want her children walking along the roads. Her family uses these trails a lot.

Commissioner Sobotka asked if the plan is to relinquish the easements or keep the easements and not upkeep the trails. Mr. Park explained that it depends. As an example, in Country French if the trail is not on the master plan, they would be allowed to put fencing along the back of their properties where the easement is. Some of the trails on the plan do not have easements that we own and are shown as future trails. In the areas where we own easements, it would be up to City Council to determine what to do with that property. Under state law, if we exact property or someone gives up property like that, prior to fifteen years, we have to give it back to the person who gave it to us. After the fifteen year mark, we could sell it. In some cases, there is a real possibility that we would sell the property. It would be sold to someone who develops above them or someone who actually owns it. The ultimate answer is that it depends; there are a lot of options.

Mr. Park remarked that he had very little to do with this and he feels that Mr. Shipp and Mr. Crane did a very nice job. This trail master plan is something that typically that if we had any money we would invite someone in to do this under contract. Mr. Park suggested that the Planning Commission focus on the area between Bull River and Country French and then also on the Wimbledon area. No comments have been received on the Wimbledon area. Mr. Park explained that these are the areas that the staff recommendation diverges from the Trails Committee recommendation. In the Wimbledon area, there is the Lehi irrigation ditch that runs along the back of the properties; the property owner's do not want it there. The Trails Committee recommended that that area go back to a red dashed line and the reason staff did not like that is that it is a trail that is in place and is well removed from people's houses. It is more of an open space area that is far away from homes that we want to go all the way down to the Hidden Pond feature. Mr. Park indicated that another area that needs to be focused on is the Windsor Meadows area.

Mr. Park urged the audience to go to [www.highlandcity.org](http://www.highlandcity.org) and click on the "notify me" button on the homepage. This feature allows people to sign up for alerts on different categories affecting our city via email. This will keep people informed of public hearings and meetings. Mr. Park expressed that we are on no time schedule for this particular item; we want to get this done right.

Roger Mickelson, Windsor Meadows, expressed some insight on the fence that has been discussed. The fence is located on the south side of Windsor Meadows and on the north side of the Provo River Water Users Easement. He spoke with Provo River about this fence and was told that they have no intention of removing the fence. They indicated it is on City property and they would leave it alone. Mr. Shipp said he also spoke with Provo River as well and was told it would be removed. He indicated we will find out.

Brian Kap, Bull River, explained that he is probably the one property owner where Highland City is on his property. He said they have been working with the City trying to resolve that for some time. There is a very steep incline and the trail was put on his property. There was a large easement in which he owns, not the City. The trail is supposed to be in the easement, but it unfortunately ended up on his property. There have also been some grading issues. Mr. Kap indicated he is happy to see some movement there.

Mr. Kap expressed his appreciation for open space, but said that as a property owner trying to maintain trails and open space is that when they own that property, they are continually hounded by the County for taxes for that property. He said that they have to fight over this every year to have that put back in to an area where they are not carrying a load. Mr. Kap expressed that is not fair to those property owners. He said that he is not sure if the Planning Commission is aware of this and if it is something that they have been working with on a County level. Mr. Park explained that this property is in the City, but is not owned by the City. Probably one-third of the lot is on a conservation easement. So when we say the trail is on his property, even if it was in the conservation easement, it would be in his property, but we would have an easement to have it there. Mr. Park further clarified that his entire lot is assessed as if it were a buildable lot, but in reality a portion of it is in a conservation easement. Mr. Kap stated that he just wanted to make the Commission aware that is something that they have to deal with and he was not certain if that was something they could assist in. Mr. Park stated that we write letters every year for people in similar situations.

Matt Callton, Windsor Meadows, asked if the City does have some input on the fence along the Murdock Canal Trail if the City could give some input and make the best decision. He said that fence is probably fifty yards off of his backyard. He suggested possibly looking for some gate access or something. His concerns are that if it is removed that his yard will become a thoroughfare, as well as it will create some privacy and safety concerns.

Commissioner Irwin closed the public hearing [8:49:23 PM](#).

Commissioner Rock commented that he likes the idea a field trip to see the trails. He said that he can go out and look at them himself, but to go along with someone who has some knowledge on the trails would be more beneficial. Commissioner Irwin asked Mr. Crane to get together a few dates for a possible field trip. Commissioner Heyrend mentioned that he was not sure due to weather if this is the proper time to be going through the trails.

Commissioner Heyrend asked to look at the Bull River again. He asked if those well used areas we can see on the overhead map are from ATV traffic. Mark Beesley, Bull River, gave some insight into Commissioner Heyrend's question. Mr. Beesley explained that around 2003 Country

French was a really nice meadow and there were some natural trails there and in the Dry Creek Bench area. They were well used as jogging trails until the Country French development came in. He said there were some instances of ATVs and they put some rocks up to block some of the trails, but it was very limited.

Aaron Wagnor, Country French Estates, addressed Commissioner Heyrend's comments. He said that area that was referred to on the overhead map from the southeast corner of Country French Estates is now a home. That trail is still in place and goes around. There is a home being built in which he believes those people would like to see the trail dissolved as well. On the south side of Normandy Way, which is the bottom part that borders Bull River, there is no trail that exists. There is an easement for utilities and the trail, but nothing exists. People in that area would literally be walking through his backyard or his neighbors or through Bull River resident's backyards. Commissioner Kemp asked what the best way for people from those communities is. Mr. Wagnor said the area just to the west of the Westcott's subdivision; it is a natural ravine. Mr. Park indicated an area where the City owns an easement, but the issue here is getting from the top road into that trail system. That would be a very viable trail option if we could find a way to get through there. It is all platted and recorded right now though with no easements.

Hearing no further comments, Commissioner Kemp recommended that the Commission go look at some of these trails and recommend that Windsor Meadows area be kept as neighborhood trail. Mr. Crane asked for further clarification on what type of neighborhood trail.

Commissioner Kemp said he would like to see the condition of the trails and as a budget item as to what it is going to cost to increase those. He said that we ought to probably talk about it more as to how we pay for those. Commissioner Irwin said that what we are hearing from Commissioner Kemp is that those remain as neighborhood trails. Commissioner Kemp said especially since they do not have sidewalks in those areas.

Commissioner Roundy commended Mr. Crane's efforts on this and grouping areas together in hopes of getting people out to voice their comments.

Commissioner Kemp indicated that if there are three trails in the Windsor Meadows area that we need to take a look at these.

Commissioner Irwin expressed that the fence issue is going to come up in areas as well and that will need to be looked at.

The matter of going to look at the trails to get a better idea of what the issues are was brought up again. Mr. Crane indicated that if the Commission did not want to do a tour that staff can provide a summary of the issues. Commissioner Irwin asked that both be done; a tour scheduled, as well as a summary so that those who want to go on a tour on their own could have the information available to them. Mr. Crane told the Commission to let him know what they would prefer and he will go from there.

**MOTION: Commissioner Kemp moved that the Planning Commission CONTINUE the public hearing for case GP-11-03, to the January 24, 2012 Planning Commission meeting.**

**Motion seconded by Commissioner Rock. Unanimous vote, motion carried.**

**HIGHLAND CITY  
PLANNING COMMISSION MEETING  
JANUARY 24, 2011**

<b>REQUEST:</b>	PUBLIC HEARING – An amendment to Highland City Development Code Section 3-4102 and 3-4202 to reduce the minimum lot size requirements for the keeping of small animals. (TA-11-06)		
<b>APPLICANT:</b>	Tom Butler		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b> N/A	<b>CURRENT ZONING</b> N/A	<b>ACREAGE</b> N/A	<b>LOCATION</b> Citywide

**BACKGROUND:**

A development code amendment is a legislative process.

**SUMMARY OF REQUEST:**

1. Animals are currently permitted in the R-1-40 and R-1-20 Districts.
2. The Development Code defines a large animal as: a cow, horse, sheep or goat. A small animal is defined as a chicken, duck, turkey, rabbit and other animals of similar size.
3. The proposed amendment will decrease the minimum lot size for the keeping of small animals from 20,000 square feet to 10,000 square feet in the R-1-40 District and from 14,000 square feet to 10,000 square feet in the R-1-20 District. The maximum number of small animals on a lot will increase based on the lot size.
4. The proposed amendment also establishes setbacks for small animal shelters, prohibits roosters, allows small animals to roam if they are within an enclosed rear yard, and prohibits the keeping of animals for commercial purposes. The amendment also includes several formatting changes for clarification.

**ANALYSIS:**

- The key issue relating to the number of animals is land use compatibility. Often times there are conflicts between rural and suburban uses. This is commonly due to odor, animal waste, the nature of rural uses in general and how the animals are cared for. Compatibility is often addressed by regulating the location of shelters on the property.
- Although important, health issues are not regulated through zoning regulations. Animal neglect issues are addressed by the Police Department.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on January 8, 2012. No comments have been received.

**RECOMMENDATION:**

The Planning Commission should conduct a public hearing and determine if:

- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment will not adversely affect the community.
- The proposed amendment will result in compatible land use relationships.
- The proposed amendment is needed to update the Zoning Ordinance.

If the Planning Commission determines that the amendment is in the best interest of the community, the Commission should draft findings and recommend approval of the proposed amendment.

**ATTACHMENTS:**

- Attachment A – Proposed Amendment
- Attachment B – Existing Regulations

**Proposed Amendment**

R-1-40 Section 3-4102

- (7) Keeping of animals subject to the following requirements:
  - (a) Large Animals
    - (i) No large animal shall be kept on a lot of less than 30,000 square feet in area. Three (3) large animals may be kept on a lot with a minimum area of 30,000 square feet and four (4) large animals may be kept on a lot with a minimum area of 40,000 square feet. One additional large animal may be kept on a lot for each 10,000 square feet of area of the lot in excess of 40,000 square feet.
    - (ii) All large animals shall be provided shelter or cover. The shelter or cover where animals are normally fed, watered, and corralled shall be at minimum of one hundred (100) feet from any residence, except that it may be a minimum of seventy-five (75) feet from the animal owner’s residence.
    - (iii) All large animals shall be enclosed in a fence and no part of the enclosure shall be nearer than twenty (20) feet from any residential structure.

- (b) Small Animals

- (i) The maximum number small animals on one lot shall be as follows:

Lot Size	Maximum Number of Small Animals
≥ 40,000	24 plus 12 additional animals per 20,000 square feet
≤ 35,000	21
≤ 30,000	18
≤ 25,000	15
≤ 20,000	12
≤ 15,000	9
≥ 10,000	6

- (ii) All sheds, coops, hutches, or similar structures used for the housing of small animals shall be at minimum of one hundred (100) feet from any residence, except that it may be a minimum of seventy-five (75) feet from the animal owner’s residence. The structure shall be cleaned regularly to prevent offensive odors from becoming a nuisance as determined by the Animal Control Officer.
- (iii) Small animals shall not be permitted to roam free unless in an enclosed rear yard.
- (iv) Roosters and pigs are prohibited.
- (c) In determining the number of animals allowed on any lot based on its area, no proration of numbers shall be allowed within the area increments specified in this paragraph.
- (d) The keeping of animals shall be for non-commercial purposes only.

R-1-20 Section 3-4202

- (7) Keeping of animals subject to Section 3-4102.

**Existing Regulations**

R-1-40 Section 3-4101

- (7) Keeping of animals subject to the following requirements:
- (a) All large animals shall be provided shelter or cover. The shelter or cover where animals are normally fed, watered, and corralled shall be at minimum of one hundred (100) feet from any residence, except that it may be a minimum of seventy-five (75) feet from the animal owner's residence.
  - (b) All large animals shall be enclosed in a fence and no part of the enclosure shall be nearer than twenty (20) feet from any residential structure.
  - (c) No large animal shall be kept on a lot of less than 30,000 square feet in area. Three (3) large animals may be kept on a lot with a minimum area of 30,000 square feet and four (4) large animals may be kept on a lot with a minimum area of 40,000 square feet. One additional large animal may be kept on a lot for each 10,000 square feet of area of the lot in excess of 40,000 square feet. No small animal shall be kept on a lot of less than 20,000 square feet. No more than twelve (12) small animals shall be kept per 20,000 square feet of lot area. In determining the number of animals allowed on any lot based on its area, no proration of numbers shall be allowed within the area increments specified in this paragraph.
  - (d) Pigs shall not be kept on any lot.

R-1-20 Section 3-4202

- (7) Keeping of animals subject to the following requirements:
- (a) All large animals kept in this zone shall be subject to conditions listed in paragraph 3-4102 (9), (a) (b) & (d). As long as lot sizes are consistent with R-1-40 zone for large animals, then large animals will be continued as grand fathered rights not to be diminished.
  - (b) No small animal shall be kept on a lot of less than 14,000 square feet. Small animals shall be kept a minimum of twenty (20) feet from any residential structure. No more than twelve (12) small animals shall be kept per 14,000 square feet of lot area.
  - (c) In determining the number of animals allowed on any lot based on its area, no proration of numbers shall be allowed within the area increments specified in this paragraph.
  - (d) Pigs shall not be kept on any lot.