Highland City Planning Commission
December 13, 2011

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Tim Irwin, at 7:07 p.m. on December 13, 2011. An invocation was offered by Commissioner Kelly Sobotka and those assembled were led in the Pledge of Allegiance by Commissioner Jay Roundy.

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

STAFF PRESENT: City Administrator: John Park
City Engineer: Matt Shipp
Community Development Director: Nathan Crane
Secretary: Jill Stewart

OTHERS: Chris Dalley, Lyle Ball, Jay Worthington, Randall Paul, Rob Holmes, Brent Pugh, Aaron Wagnor, Mark Beesley, Chris Crump, Melanie Westcott, Jennifer Guiver, Dean Shupe, Jennifer Wilson, Roger Mickelson, Brian Kap, Matt Callton.

A. APPEARANCES

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

B. OTHER BUSINESS

1. Adoption of Amended 2012 Planning Commission Meeting Schedule

Nathan Crane explained that the City Council will be meeting on January 3, 2012. This change to the City Council schedule also changes the January meeting date for the Planning Commission. The Planning Commission meeting will now be on January 24, 2012 instead of the originally scheduled January 17, 2012 meeting date.

MOTION: Kelly Sobotka moved that the Planning Commission adopt the 2012 Planning Commission meeting schedule as amended.

Motion seconded by Steve Rock. Unanimous vote, motion carried.

2. TA-11-13 A request to amend the Highland City Development Code

Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments. *Legislative.*

Nathan Crane reviewed this item briefly; it was heard at the last Planning Commission meeting on November 9, 2011. Mr. Crane explained that we need a zoning district to implement the mixed use land use category. We want to be able to deal with compatibility on a use and a site specific level. Several revisions were made to this Article since the last meeting. One of the revisions is in the purpose statement, which the Commission has before them. We really want to do land use planning as it relates to the site and the surrounding uses. We want to make sure the site characteristics and the adjacent property, whether it is existing or planned, is considered as we do land use planning.

Mr. Crane stated that he revised the findings section of the PD District by clarifying and strengthening items. The findings are the backbone to an incoming request. For instance, if a request comes in and as we analyze it and it does not me the findings, this gives us some guidance on what we should do with the request. Mr. Crane indicated that he added some rezoning requirements. He added a sentence stating this is a legislative action and approval is at the discretion of the City Council.

The transportation section has been moved to Section 3-620.10 under Circulation. Buffering was addressed under Compatibility. A few organizational changes were made that make the document flow better and make it easier to read. Mr. Crane said one of the comments was on private streets; they are currently prohibited, so they would not be allowed. Maintenance is addressed in Section 3-620.5.

Mr. Crane stated it was not clear from the last meeting whether the size was going to be changed for the PD District. Commissioner Heyrend asked about changing the size from 20 acres to 10 acres. Mr. Crane said that is something that can be done.

Commissioner Irwin expressed that at the last Planning Commission meeting that it was felt by the Commission that this was the kind of thing that would be helpful in encouraging further development of residential, commercial, and mixed use. It seems like the Commission is comfortable with the changes that were made.

Mr. Crane suggested adding to the motion that this process is a legislative action and that the approval of a PD District is at the discretion of the City Council.

Commissioner Irwin explained that a legislative action gives the Commission and Council a lot more flexibility in the approval or denial of a request. An administrative action gives much less flexibility in the approval process.

Hearing no further comments, Commissioner Irwin indicated he would be ready to entertain a motion.

MOTION: Commissioner Roundy moved that the Planning Commission accept the findings and recommend APPROVAL of case TA-11-13 a request to create amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments with the following provisions:

1. **That all actions are a legislative action subject to the approval of City Council.**
2. **The minimum size shall be changed from 20 acres to 10 acres.**

Motion seconded by Commissioner Sobotka.

Those voting aye: Commissioner Rock, Commissioner Sobotka, Commissioner Heyrend, Commissioner Kemp, and Commissioner Roundy. Commissioner Irwin abstained from voting since he will be transitioning to the City Council and this item will be heard by them.

Motion carried

3. Planning Commission Chair and Vice Chair Elections.

Mr. Crane explained that Commissioner Tim Irwin will be leaving the Planning Commission after being elected to the City Council. His term with City Council will begin in January 2012. His absence will leave a vacancy in the Chair position of the Planning Commission.

Mr. Crane indicated that the Planning Commission needs to elect a new Chair and Vice Chair. Commissioner Kelly Sobotka nominated Commissioner Chris Kemp for the position of Chair. Commissioner Kemp nominated Commissioner Sobotka for the position of Chair. Commissioner Jay Roundy nominated Commissioner Kemp for the position of Vice Chair. Commissioner Tim Heyrend nominated Commissioner Roundy for the position of Vice Chair. The Commission then voted by ballot for the positions of Chair and Vice Chair. Mr. Crane and Jill Stewart, Planning Coordinator, tallied the votes. Commissioner Kemp was elected to the position of Chair and Commissioner Roundy was elected to the position of Vice Chair.

C. APPROVAL OF MEETING MINUTES FOR NOVEMBER 9, 2011 – REGULAR MEETING

MOTION: Steve Rockmoved to approve the Meeting Minutes for November 9, 2011 as amended.

Motion seconded by Chris Kemp. Unanimous vote, motion carried.

D. PUBLIC HEARING AND LEGISLATIVE ACTION

4. 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:
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> 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 Wimbleton, 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 or 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 Wagnor, 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. Wagnor 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. Wagnor 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. Wagnor 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. Wagnor 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. Wagnor 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. Commission er 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 Wimbleton area. No comments have been received on the Wimbleton area. Mr. Park explained that these are the areas that the staff recommendation diverges from the Trails Committee recommendation. In the Wimbleton 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 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.

5. TA-11-14 A request to amend the Highland City Development Code Article 7 Section 3-712 Temporary Signs to create new regulations and requirements for temporary signs. *Legislative* .

Mr. Crane reviewed the amendment. He explained that this request is coming from the City Council. He indicated that prior to his arriving at the City there were a lot of concerns expressed by the Council regarding the temporary sign ordinance. They directed staff to not enforce the temporary sign ordinance. Recently the Council came back and said that we need to address the temporary sign ordinance. Our goal is to clarify and simplify our regulations. We are replacing all of our regulations with new regulations. Mr. Crane addressed enforcement of signs; as with any code enforcement issue, it is complaint driven. He explained that it is always good to have a regulation in place if a complaint is made instead of having to retroactively address an issue. This ordinance also helps us address sign maintenance and removal. Mr. Crane went over pictures of signs he took in the city to show the problems that we are experiencing.

Commissioner Sobotka asked who becomes liable if a sign is placed in the right of way if an accident occurs. Mr. Crane indicated that he believes the City would be responsible.

Mr. Crane explained that the regulations were built around what type of sign it is, defined what the size of the sign can be, the duration that the sign can be placed for, whether or not a permit is required, and definitions that we did not previously have were included. Some general regulations were included. Signs are not permitted in the right of way, need property owner permission, no animation; these really create a safety hazard. Commissioner Sobotka asked if the blow-up guys are considered animation. Mr. Crane said they are. This could be

the person dressed as a tax person or the guy standing with a pizza sign on the corner.

Going back to the general regulations, Mr. Crane stated that illuminated signs are not permitted; some may be permitted with a temporary use permit. Some regulations were also included for portable signs; A-frames and those types of signs. These types of signs need to be built durably.

Mr. Crane reviewed the types of signs that do not require a temporary sign permit: political signs, garage sale signs, real estate signs, open house signs, portable signs, and neighborhood and community event signs. The signs that do require a permit are: grand opening and special promotion signs, model home and future development signs, construction and contractor signs, and temporary use signs. The basis behind requiring a permit is that we have a timeframe in which we can go by for removal or expiration of the sign. We know when the sign goes up, so therefore, we know when it should come down. Mr. Crane stated that is the ordinance in a nutshell and he would be happy to answer the Commission's questions.

Commissioner Irwin opened the public hearing at 9:23:46 PM.

Chris Dalley, resident, commented that something needs to be done about the temporary signs.

Commissioner Irwin closed the public hearing 9:24:39 PM.

Mr. Crane indicated that a shopping center even approached the City regarding temporary signs and what the regulations are. They are being overrun by temporary signs and it is negatively impacting their business.

Commissioner Kemp remarked that the lack of enforcement over the past year and half or so has really had a negative impact on the city. There are temporary signs all over the place.

Commissioner Roundy asked if we are unable to enforce the temporary sign ordinance. Mr. Crane said we can enforce it, however, the Council has directed us not to. Commissioner Roundy stated that it is a travesty that we would be arbitrary and capricious to choose what laws we enforce in the city. All laws should be held of equal importance in his opinion. Mr. Crane expressed that we were instructed to not enforce any of the temporary signs.

Mr. Crane said that there was a former part time city employee who drove around enforcing the temporary sign ordinance. The Commission asked Mr. Crane if he has anyone that can enforce this proposed ordinance. Mr. Crane indicated that he does not; it is either take a very proactive approach to enforcement or we take a reactive approach. Commissioner Irwin said that taking a proactive approach may mean hiring additional staff. Commissioner Kemp suggested that whatever regulations that are passed by City Council should be mailed out to businesses with a date of when enforcement of the ordinance will begin. Commissioner Sobotka commented that we went from one extreme to the other and we are now trying to get back to the middle ground. He thinks that Mr. Crane has done a good job in putting this together and we are getting back to that middle ground.

Commissioner Irwin asked which of these types of temporary signs really need a permit and

what does a permit give us. As Mr. Crane said, the permit starts the clock ticking so we know when a sign should come down. Commissioner Irwin said the person who follows the rules would come in, pay their fee, and get their permit. The person who does not follow the rules puts their sign up and nothing happens unless a complaint is received. So it seems the person following the rules is paying extra. This does not make sense to Commissioner Irwin.

Commissioner Roundy asked how we go through everything here with complaints that have been lodged and then being told to turn the blind eye. Commissioner Irwin clarified that the question is, how does the City plan to re-implement the enforcement of temporary signs? Mr. Crane stated that if this ordinance goes through and is what the Council wants, we will start with an education campaign. Then we would go from there. Commissioner Kemp asked what happens if a sign does not come down at that point. Mr. Crane reminded the Commission that with temporary signs, we cannot pick and choose which signs are enforced. We have to be consistent. We would tell them the sign needs to come down. Commissioner Kemp asked what if it is a giant roof sign. Mr. Crane explained that we would go through the code enforcement process which involves letters and in most cases ends up in the court system.

Commissioner Sobotka asked if someone puts up a sign that is not approved and they then come in to apply for a permit could they be denied. Mr. Crane said if the sign meets the ordinance, we cannot deny it. He expressed that our ultimate goal here is temporary compliance.

Commissioner Irwin stated that his point is that we can have the regulation and we can enforce it, but we do not necessarily need a permit.

Commissioner Carruth asked why the ordinance stopped being enforced. Mr. Crane stated that the Council believed the current regulations were too strict. Commissioner Sobotka added that they also felt that during the economic downturn that they wanted to give businesses an opportunity to pull in business. Commissioner Carruth asked what the leniency is with this new ordinance. Mr. Crane said that for example, a permit was required for garage sale signs and the number allowed were limited to where they could be put. With the proposed ordinance, we will not require a permit, we just ask that you pick them up when you are finished advertising.

Commissioner Kemp asked about signs nailed or taped to light or telephone poles. Mr. Crane said those are prohibited.

Commissioner Irwin addressed the Commission and asked if they want a permit process and if so, for what types of signs. Commissioner Kemp indicated he was fine without doing permits if it works, as long as they meet the size and other requirements. Mr. Crane stated the only issue he has with it is that with a permit he has an indicator of when the timeframe began. Commissioner Irwin stated that the risk is that we end up with a sign up a little longer than we wanted. If a sign does not comply, it can be taken down immediately. Mr. Crane said if it really becomes an issue, we can come back and say that we need a permit.

Commissioner Kemp asked for clarification on the thought behind no balloons or ribbons. Mr. Crane explained it is more of an aesthetic issue where those are attached to an A-frame. Commissioner Kemp asked if the guy holding the pizza sign is too distracting. Mr. Crane said

that is something the Commission needs to determine.

Commissioner Irwin commented that in regards to the balloons, there really is not a way to differentiate between a local business or a baby shower and we cannot discriminate between the two.

Commissioner Kemp stated that he spoke with Ace Hardware when they opened. They were very discouraged at their lack of ability to advertise. He said he feels that for a business to come to the city and want to have a grand opening, we should do everything thing we can to let them have balloons, banners, or maybe go a little bit over for the first period of time. Businesses would then be able to let people know they are open. Commissioner Irwin said we are going to permit balloons. Commissioner Kemp said it needs to be a certain height though. Mr. Crane asked where so we draw the line. Commissioner Roundy expressed that with a business, their signs are going to be located in front of the business, not in front of a home so he feels that it is more acceptable for them to have the ability to put up signs advertising their business.

Mr. Crane reviewed the ordinance and indicated that in regards to the A-frame or portable signs, balloons and ribbons are prohibited. He stated that he feels this takes care of that issue for portable signs. Mr. Crane referenced page 7 of 13 under the section Grand Opening and Special Promotions. He indicated that these may include pennants, banners, streamers, flags, balloons, and inflatable structures. Mr. Crane explained that this is stating that we understand that a business is opening and we want you to promote your business and be successful. These are the types of things a business would be able to do under this category. A model home, however, would not be able to have balloons. Commissioner Irwin asked if there is a height limit. Mr. Crane said there is.

Commissioner Irwin said that as it relates to model homes, it could fall under a special promotion. He said they could have balloons, but not there permanently. Mr. Crane stated that is right, but that is why we defined it under a separate category.

Commissioner Heyrend posed the question whether thirty days is really long enough for businesses for a grand opening sign. He expressed that two months or even ninety days seems more realistic. Commissioner Heyrend stated that this advertising time period seems really short. Commissioner Irwin agreed that ninety days seems more realistic.

Commissioner Heyrend indicated that the model home section states the same timeframe. This is short for a model home, where they just get set up and maybe have a couple of bad weekends and then it is time to remove the signage. Mr. Crane stated the model home sign is different than the development or future development sign. The model home sign is the sign located at the model home. Mr. Crane expressed that a little more stringency with a model home is ideal. Commissioner Irwin asked if a model home sign by definition is a temporary sign. Mr. Crane said that he has seen model home signs up for two years. Commissioner Irwin said he thinks that would be considered temporary. Mr. Crane indicated that if the Commission would like, the model home sign can be tied back to their conditional use permit. Commissioner Kemp asked if a model home sign is allowed to have a sign in front of their location that is not a temporary sign. Mr. Crane said he would need to check whether that is tied to the conditional use permit currently. After referencing the Development Code, he explained that current code states that a model home shall be allowed a sign in the

immediate front yard with the maximum size of sixteen square feet, the height from ground level not to exceed ten feet, and shall not be located closer to any right of way than its height from grade. No timeframe is used. Commissioner Irwin indicated he would like the timeframe removed from the proposed ordinance.

MOTION: Commissioner Roundy moved that the Planning Commission accept the findings and recommend APPROVAL of case TA-11-14 a request to amend Section3-712 Temporary Signs of the Highland City Development Code subject to the following provisions:

1. **Eliminate the permit process.**
2. **Increase the grand opening sign length to 90 days.**
3. **Delete the model home section on page 7 (B).**
4. **Recommend to City Council to enforce this ordinance as soon as possible.**

Motion seconded by Commissioner Rock.

Those voting aye: Commissioner Rock, Commissioner Sobotka, Commissioner Heyrend, Commissioner Carruth, and Commissioner Roundy. Commissioner Tim Irwin abstained since this item will be heard by the City Council in January.

Motion carried.

E. PLANNING STAFF REPORT

- Mr. Crane reviewed the recent City Council actions. He explained that there was some discussion on the Mountain Ridge subdivision. It was determined by Council that to add any lots, the developer would have to go back through the approval process. The Council approved the amendment to the Development Code section for Amending a Recorded Plat. Mr. Crane indicated that the City Council would like to process an amendment reducing the area required for small animals. This will be on the Planning Commission agenda in January.

- Mr. Crane explained that one of the things we have to do is come up with the Planning Commission Rules of Procedure and post this on our website. He stated he was holding out on the Utah League of Cities and Towns to provide their model, but they have not done so. Therefore, we need get going, so we will start on that next year.

F. COMMISSION COMMENTS AND SUGGESTIONS

- Commissioner Irwin expressed his appreciation for the Commission and thanked them for the time he was able to serve with them. The Commission thanked Commissioner Irwin and wished him luck on City Council.

G. ADJOURNMENT

MOTION: Commissioner Heyrend moved to adjourn.

Motion was seconded by Commissioner Carruth. Unanimous vote, motion carried.

Meeting adjourned at 10:09:16 PM.