



## AGENDA

### HIGHLAND CITY PLANNING COMMISSION Tuesday, March 27, 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 Tim Heyrend
- Pledge of Allegiance – Commissioner Sherry Carruth

#### **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. TA-12-03 A request by the Highland City Council to amend the Highland City Development Code Section 3-4353 General Conditions eliminating the prohibition of business being open on Sundays in the CR Zone and referencing the Municipal Code. *Legislative.*
2. TA-12-01 A request to amend the Highland City Development Code Section 3-4102 and 3-4202 to include regulations for the keeping of chickens on lots 20,000 square feet and smaller. *Legislative.*
3. GP-11-03 A request to amend the General Plan Existing and Future Trails Map to create a new Trails Master Plan. *Legislative.*

#### **OTHER BUSINESS:**

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

- February 28, 2012 – Regular Meeting

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

- Recent City Council Actions
- Planning Commission Meeting Cancelled 4/10/12 – Spring Break

**COMMISSION COMMENTS AND SUGGESTIONS:**

**ADJOURNMENT:**

NEXT MEETING: *Tuesday, April 24, 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 22<sup>nd</sup> day of March, 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 22<sup>nd</sup> day of March, 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  
MARCH 27, 2012**

<b>REQUEST:</b>	PUBLIC HEARING – An amendment to Highland City Development Code Section 3-4353 General Conditions amending the days of operation to reference the Municipal Code. (TA-12-03)		
<b>APPLICANT:</b>	Highland City Council		
<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> CR Zone

**BACKGROUND:**

A development code amendment is a legislative process.

**SUMMARY OF REQUEST:**

1. Currently, the days of operation regulations are contained in two different sets of regulations: First, Section 5.04.170 of the Municipal Code which is applicable to the entire city and second, Section 3-4353 of the Development Code which is only applicable to the CR Zone.

2. The existing regulations are as follows:

*Section 3-4353 General Conditions*

(1) Hours of operation – No business will be open to the public between the hours of 12:00 am and 6:00 am except for ATM’s and non –attended gasoline pumps.

(2) Days of operation – No business in this zone shall be open to the public on Sundays, except for ATM’s and non –attended gasoline pumps.

3. The proposed amendment is as follows:

*Section 3-4353 General Conditions*

The hours and days of operation for all businesses shall be as regulated in the Municipal Code.

**ANALYSIS:**

- Hours of operation are not mentioned in any other zoning district except for the CR Zone.
- The request before the Planning Commission is to reference the regulations in the Municipal Code instead of having separate regulations in both the Municipal and Development Code.
- If approved by the City Council the proposed amendment would not remove the restrictions on the hours of operation. Removing the restrictions on the hours of operation would require an

amendment to the Municipal Code. It is anticipated that the City Council will discuss an amendment to the Municipal Code on April 17, 2012.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on March 13, 2012. No comments have been received.

**FINDINGS:**

The proposed amendment meets the following findings:

- The proposed amendment is consistent with the purpose and intent of the Development Code.

**RECOMMENDATION:**

The Planning Commission should hold a public hearing, discuss the issue, and make recommendation to the City Council.

**ATTACHMENTS:**

None

**HIGHLAND CITY  
PLANNING COMMISSION MEETING  
MARCH 27, 2012**

<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-12-01)		
<b>APPLICANT:</b>	Councilmember 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

**PRIOR REVIEW:**

The Planning Commission held a public hearing on January 24, 2012. A work session was also held on February 28, 2012. The amendment has been revised as directed by the Planning Commission.

**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 proposed amendment will allow chickens on lots smaller than 20,000 square feet in the R-1-40 District and 14,000 square feet in the R-1-20 District.
3. The proposed amendment also establishes setbacks for small chicken coups, prohibits roosters, and allows chickens to roam if they are within an enclosed rear yard.

**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.

A notice of the Planning Commission public hearing was published in the Daily Herald on March 11, 2012.

**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
- Attachment C – Minutes of the January 24, 2012 Planning Commission Meeting
- Attachment D – Minutes of the February 28, 2012 Planning Commission Meeting

**Proposed Amendment**

R-1-40 Section 3-4102

- (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.
  - (e) Chickens are permitted on lots less than 20,000 square feet subject to the following conditions:
    - (i) The maximum number of chickens shall be as follows:

Minimum Lot Area (square feet)	Maximum Number of Chickens
≥ 20,000	14
≤ 15,000	10
≥ 10,000	6

- (ii) All sheds, coops, hutches, or similar structures used for the housing of chickens shall be at minimum of forty (40) feet from any adjacent residence. The structure shall be cleaned regularly to prevent offensive odors from becoming a nuisance as determined by the Animal Control Officer.
    - (iii) Chickens shall not be permitted to roam free unless enclosed in a rear yard.
    - (iv) Roosters are prohibited.

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.
- (e) Chickens are permitted on lots less than 14,000 square feet subject to the following conditions:
  - (i) The maximum number of chickens shall be as follows:

Minimum Lot Area (square feet)	Maximum Number of Chickens
≥ 10,000	6

- (ii) All sheds, coops, hutches, or similar structures used for the housing of chickens shall be at minimum of forty (40) feet from any adjacent residence. The structure shall be cleaned regularly to prevent offensive odors from becoming a nuisance as determined by the Animal Control Officer.
- (iii) Chickens shall not be permitted to roam free unless enclosed in a rear yard.
- (iv) Roosters are prohibited.

**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

- (8) 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.

**MINUTES OF THE JANUARY 24, 2012 COMMISSION MEETING**

**PRESENT:** Commissioner: Chris Kemp  
Commissioner: Jay Roundy  
Commissioner: Sherry Carruth  
Commissioner: Abe Day  
Commissioner: Tim Heyrend  
Commissioner: Scott Temby  
Alternate Commissioner: Lance Garrett

**EXCUSED:** Commissioner: Steve Rock

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.*

Commissioner Kemp opened the public hearing at [10:16:16 PM](#).

Mr. Crane gave some background on this item. He explained that this initiative is a City Council amendment. It is not coming from staff. Staff did help in some of the drafting of this to address some of the concerns. Mr. Crane expressed that this is an issue for the community. He said he really believes that animal issues that were discussed when the large animal amendment was done was a community value issue. Mr. Crane said it determines what Highland is. He posed the question of whether Highland is a suburban community or a rural community. One of the challenges we have is that there are two residential zoning districts; one is R-1-40 and the other is R-1-20. R-1-20 is hardly ever used and R-1-40 is primarily used. That zone allows both agricultural and suburban development. There is an inherent conflict between the two. In rural areas, people expect animals, noises, smells and all of those kinds of things. In a suburban area, people do not necessarily expect that. Mr. Crane explained that in this amendment, large animals are included; the only change made though was formatting to make it read easier. He expressed that one of the key things to remember here is that some of the conversation may be focused on chickens, but this includes all small animals. Small animals include ducks, geese, turkeys, pheasants, rabbits, or any other similar sized animal. He stated that in looking at these issues as it relates to Highland, the key issue is compatibility and how are these uses compatible. Mr. Crane said that he understands the private property rights, but also the need to ensure compatibility between different uses. He stated that what people do on property can affect others negatively. One of our roles is to address compatibility. Roosters may be discussed. On the research we have done, roosters can be quite a nuisance. We have gotten some emails that explain roosters a little bit. Staff talked to the animal control officer and there have been quite a few complaints in Alpine and Highland regarding roosters. They are noisy, wake people up, and things like that. The other thing as far as compatibility is the location of the shelter. Mr. Crane said when he originally drafted this ordinance he put in the same requirements for a shelter as for large animals. He said if those want to be reduced, that is the role of the Planning Commission and City Council, not staff. The other reason being that if people want to join structures to build one structure that would create an enforcement issue for staff, so that is why we did that. One of the key issues is the number of small animals. At what point does keeping chickens

become a commercial use? Another consideration is whether there are alternative standards on larger lots.

The existing regulations require a minimum lot size of 20,000 square feet in the R-1-40 zone. Twelve animals per 20,000 square feet are permitted. A minimum lot size of 14,000 square feet is required for the R-1-20 zone. Twelve small animals are also permitted. The proposed amendment has the minimum lot size at 10,000 square feet, except for the Town Center. Mr. Crane indicated there are smaller lots out there. Roaming is addressed in this amendment. Roaming can occur as long as it is in an enclosed rear yard behind a fence. The amendment does prohibit roosters and a commercial use would be prohibited as well.

Mr. Crane explained that staff did some research and tried to get an average of eggs a family consumes a week. In Highland, the average number of persons per household is 4.2. The recommended weekly allowance for eggs, including baking, is 3 to 4 a week per person. Mr. Crane did some brief math estimating that a household would use about 20 eggs a week plus or minus. He expressed as an example, if a resident had 40,000 square feet, they could have up to 24 chickens and those chickens will produce on average about an egg a day. This would yield between 55 to 189 eggs per week. That gives a generous surplus of eggs and leaves a resident with figuring out what to do with those. Mr. Crane explained that is the reason why he brings up the issue of this as a commercial use. It goes back to what is Highland; whether is a rural community, an agricultural community, or a suburban community. He stated that if we want to encourage residents to have a business selling eggs, then that is fine, but that is a conscious decision that the Commission and Council need to make. Mr. Crane reviewed on the overhead his chart in the proposed amendment and examples of chicken coops.

He expressed that in reviewing the large animal amendment last year, a concern that came up is that there can be a lot with two animals were the owner is very engaged in taking care of them and keeping the area clean or there can be other lots where they are a nuisance and not taken care of. Mr. Crane explained that the same thing can happen here with small animals. If the coops and animals are well taken care of, they may not be a nuisance at all, but if they are not well kept, they very well can be a nuisance. Mr. Crane stated that staff cannot regulate how someone takes care of an animal shelter. He indicated that he would be happy to answer any of the Commission's questions. There were three comments received in which the Commission has for review and consideration. Mr. Crane reiterated that staff is bringing this proposal as directed by City Council and this really is a community value issue and what the Commission wants to do.

Commissioner Roundy asked where peacocks fall. Mr. Crane said they would be a small animal. Commissioner Roundy asked if they would be permitted. Mr. Crane said yes. Commissioner Temby asked if pigeons would be permitted. Mr. Crane stated they would be. He expressed that pigeon coops can be a real issue; he has dealt with them a lot. Commissioner Roundy expressed that he is aware of an area where people have dumped off a lot of peacocks and they have thrived. He said they were more noisy than a pack of wolves. Mr. Crane stated that a small animal is classified as a duck, geese, turkey, chickens, rabbits, and other animals of similar size. Commissioner Roundy asked where dogs fall under this. Mr. Crane explained that dogs and cats are regulated separately. Commissioner Temby asked if we have information of what adjoining communities do. Mr. Crane said that we do; it is all over the board. Some communities like American Fork only allow them in agricultural districts. Some communities, like Cedar Hills, allow them anywhere. He explained that there are different setbacks as well. In Orem, the setback is 85 feet from another adjacent residence. Mr. Crane said if someone wants

a chicken coop right under their window, that is fine, we need to be mindful of where it is in relation to other properties.

Commissioner Kemp opened the public hearing at [10:27:15 PM](#) and invited comments from the public.

Chad Copier stated that he is a lifelong resident of Highland. He said that in regards to the amendment Mr. Crane has made, in speaking with some of the members of the City Council and reading what was initiated it seems like Mr. Crane has far exceed what the Council asked him to do. The intent was to allow smaller lots to have small animals. What he has done is come back with a regulation that significantly limits the current use of small animals in the city. Mr. Copier indicated that he has about 15-20 chickens at any one time and lives on 1.2 acres. He has a rooster. Every year they replace their own chickens with roosters or chickens they hatch in an incubator. Some of the chickens are raised for food; not because they have to, but because they want to and it is enjoyable. Mr. Copier said that he does not receive complaints from the neighbors about the rooster because they live on a large enough lot. He indicated that a good number of his neighbors have chickens and roosters as well. Mr. Copier said they are jealous of his chickens because they stay alive, so his family must be doing something right. He said that as he looked over the regulations, they make a feeble attempt to allow 6 or 9 chickens on the smaller lots that were not previously allowed, but then it has the setback rules that Mr. Crane alluded to in his opening comments that actually prohibit effectively to put the small animals on the smaller lots with the setbacks he has included. So a horse can be 20 feet from a home, but based on the size of the chicken coops reviewed most of them are extremely small, yet they have to be 75 feet from a home. Mr. Copier stated that additionally, Mr. Crane made the comment that he did not care if there is a chicken coop under someone's window and if he does not care, he should not have written it in the proposed amendment. Mr. Copier posed the question as to why animals should only be allowed to roam in an enclosed rear yard. He indicated that some of the residents have larger yards and pastures that run up to the front property line with fences and enclosed spaces. He stated that he understands roosters in a smaller suburban neighborhood, they would not be welcome. He said that regulating for smaller lot he appreciates, but for those who have had animals for years, it is now offensive to impose such regulations. Mr. Copier said that in regards to Mr. Crane's comments for commercial use that he does not believe that was within the scope of what the City Council asked him to do. He asked why it matters if he has an extra 10 eggs a week to sell. Mr. Copier stated that generally he does not have extra eggs to sell, but if he does want to sell a dozen or two a month, what is the harm to the city that this needs to be enforced. Mr. Copier said he agrees with the concept to allow smaller lots to have a few small chickens in a small coop, especially hens that would not be a nuisance, the way this proposed amendment is written is utterly unworkable in this current form. He indicated that he has goats and because he has over an acre, it is not a big deal, but a goat, especially a pigmy goat, to call them equivalent to horses is silly. The goats take up very little space. Mr. Copier said that if we are going to look at amending the ordinance, we probably ought to make it a little more useful to folks. If people that want to have a milk goat, it actually requires very little space compared to a milk cow, but under the amendment and current regulation, they are treated the same.

Ed Barfus stated he lives over on Country Club Drive in the Cottages on the Green HOA. He said that why he wanted to speak tonight was to tell the Commission a little about chickens and his experience with them. He expressed that he thinks we need to allow people to give their children every opportunity to care for animals. Mr. Barfus said back in 1976 he hated birds; his wife had a parakeet. It did not end up lasting too long, but he hated that bird with a passion and had a similar feeling about chickens. He said that his wife prevailed that they should have some chickens. They fenced off part of the backyard and got some chickens, had a garden, some rabbits and eventually some goats his son raised for 4H.

They had four children. Mr. Barfus explained that this was in Fullerton, California which is in north Orange County which is southern California. Up to his house, there was curb, gutter and sidewalk, but from his house on, there was none of that. You parked on the lawn if you parked in front of his house. He said that it was kind of a rural mindset. His lot was 50 feet wide and 189 feet long, just under a quarter acre. Mr. Barfus said that if he was going to put up with chickens, he was going to have some fun. They got some araucana chickens that lay green and blue eggs. They also had a Rhode Island red rooster that lays brown eggs. Mr. Barfus explained that they cross bred their chickens and roosters and raised baby chicks. Low and behold, an araucan mixed with a Rhode Island red will lay pink eggs with brown speckles. He said that one day a neighbor kid came over and saw the eggs in the refrigerator and asked if they colored their eggs. Mr. Barfus explained to him that they come that way. He expressed that after a couple of years of this, he grew to absolutely love this. He said he would have chickens today if it were not for the HOA regulations of his community. Mr. Barfus encouraged the City to make for every opportunity for parents to be able to create an environment where children can learn to love these animals and take care of them. He strongly recommended that peacocks not be allowed.

David Beck explained that he did some mathematics on what was said earlier about the current proposal and figured that a half acre lot is about 141 feet by 141 feet if it was square and a 30 foot setback and a house 36 feet deep, if you had to keep animals 75 feet from a house, they would be in a neighbor's yard. Mr. Beck said this is just a basis for consideration. His remarks for today come from a lot of personal experience. He stated that as a front, Highland historically in our pioneer heritage has always had animals as a vital interest. He said it is a vital interest that we as a community keep some connection to that history and our ability to raise animals. Mr. Beck expressed that he feels connected to the earth when he raises animals. He wants his children to develop that same kind of feel. He said that his love of animals goes even deeper than this though. When he and his wife had their first child, a month after he was born, they discovered that he was starving and the breastfeeding his wife was doing was not sufficient. Being very natural people, they went on a crusade very quickly to find an option they could have to raise him without putting him on a sugar formula and so forth. The only option they found was to put him on goat milk. At that point, the only source they could find was not Mr. Beck's favorite source, but he and his wife were ever so grateful that was there. Mr. Beck stated that after that experience, they became very dedicated to that possibility. On their fourth child, they came across the same situation. By that time, they had purposely moved to Highland and bought horse property, or so it was advertised, and had put some goats on it and they were milking them and able to feed their fourth child with that. At a point after that, someone reported them to the City and the City looked into it and said that he did not have enough land to have the goats anymore. Mr. Beck said it was a little strange because the previous owner had kept horses on it and historically our understanding was that anything over a half acre was a viable option. He explained that they went through a lot of things with the City to see when the regulations had changed and could come to no conclusion as to how or when it had been altered. Mr. Beck expressed that since that time he has been very interested and waiting for the opportune moment to look at this issue from a better perspective, more of an animal science perspective because he thinks that a lot of times things get devised in cities based on misinformation and whim and so forth. He said that he saw the ordinance that was proposed would actually hurt the animal owners and he really wants to be involved. Mr. Beck expressed his desire to form a committee, be on a committee, be involved in a committee to revamp the ordinance so that it is not written by a person, but has input from a variety of people who have kept some of these various animals and can give real information. Mr. Beck said he has only had experience in goats and chickens and a little in ducks and then just dogs and cats. He said if we could coagulate some information. Knowing that takes some time and committees can be difficult, he wanted to spearhead this and actually for the last couple of days has written possible revamps of the ordinance. He thinks he has come up with a format that is simple,

flexible and has some safeguards against neighbors and so forth and also stays fairly in line with the animal ordinance that is written. Mr. Beck proceeded to hand out a copy of this ordinance to the Commission and went over it. He indicated that it is not meant to address every possible conflict at this point because he did not want it to be anything already said. Mr. Beck included something he found several years ago when this issue came up from New Hampshire. They had printed this and the very last page of it is a graph or rubric that shows relative sizes for different animals, how big a pen should be, how much is needed inside of a shelter, whether the shelter should be opened or closed. He said that he used this in formulation of his amendment proposal. The first paragraph says according to agricultural numbers there would be three sizes of animals; small, medium, and large. The second one is meant to keep some kind of restrictions so that the animals would be farther away from the neighbors. For small animals he said 50 feet, medium 75 feet, and large 100 feet from a neighbor.

Mr. Beck stated that having kept chickens, he keeps them cleanly, he has never had any sort of problem with odor or anything that would make those distance requirements necessary. He said that for a community like ours, it gives some kind of peace to neighbors who would be worried about such things. Mr. Beck referenced the back rubric where each animal is given an amount, a chicken is recommended to have 10 square feet of roaming space. A goat is recommended to have 50 feet and a horse to have 200 feet. He then assigned a point value for each size of animal. For small animals 1 point, medium is 5 points, and large animals 20 points. Mr. Beck then explained for various sized lots assigned a certain number of points that people could mix and match that would let them have some flexibility for the things they desire, but keep things in the same restrictions. He said for example, if someone wanted to have 25 chickens, it would require approximately 250 square feet of space. The equivalent to that if they had 5 goats or sheep, they would need the same size pen, therefore equaling the same amount of points. That amount of space is an enclosure of 15'x17'. He said that is not particularly big and that would be a maximum type of thing people would look at doing on a smaller lot. Mr. Beck explained that as he worked on assigning the point values on as a starting; residents on three quarters of an acre may still only have 3 horses, if a horse is worth 20 point values, therefore if they have 3 horses, they would have 60 points on a lot that allows 75 points. Then in addition, several small animals would be allowed. If a resident was on one acre, they would be able to have 4 horses; which is a total of 80 points out a possible 95 points. The idea is to mirror what we already have to a certain extent, but to do what was indicated by the City Council to allow smaller lots to have more opportunity for those smaller animals.

Mr. Beck said that situations are always different with where a house location is on a lot and may restrict a resident from being able to have animals, he still felt like that was a necessary requirement even if they had a proper lot size because lots are not always laid out for animal care and management. He stated that he is wishing to develop a proposal that would be a model that other cities would follow based on real numbers. He is not asking for any action to be taken tonight other than for some input to be gathered and look at this in a very real way and a group of residents to look at a real proposal. Mr. Beck added that he has what could be described as a cranky and in their rooster situation, they put their rooster into its enclosed pen every night and leave them in there throughout the timeframe in which then noise ordinance is in effect, 10pm to 7am. So if anyone were to go out and listen, he really does not want to crow anymore because it is dark in there, he kind of knows it is day, but the sound is so muffled there is no way that the distance he is from his neighbors and their windows there is no way a rooster is going to cause a problem. Mr. Beck said he is very reticent to begin outlawing things when there are solutions where people have discovered in a variety situations. He expressed that he feels very strongly that on a person's property, within reason, people should be able to pursue those things that bring them happiness. He said this is one of the things that brings his family great happiness and teaches his kids responsibility

and care. Mr. Beck said in regards to the grandfathering idea, he believes that in any animal ordinance is done that people that have lived here should have the ability to keep at least what they came with. He indicated that he spoke with the mayor just outside before the meeting and stated that if this proposal were to go through that he would be okay under the existing ordinance and the mayor seemed to indicate that Mr. Beck would not be able to have chickens anymore. Mr. Beck said that is not a route that we want to go.

Mr. Crane added a couple of comments. He said that Mr. Copier has lots around him that are larger and there are many people with animals nearby and that highlights one of the challenges that we have. We have areas that are large and people have animals and they expect them. We then have smaller lots and balancing those issues is something we are trying to do. Mr. Crane indicated he did his best with the proposed amendment and realizes that in regards to the setbacks on a small lot, they may not work. That is something that can be modified. As Mr. Crane stated earlier, this is a community value issue. He said when dealing with roosters, it may not be a big deal where residents have large lots, but on smaller lots, it really becomes an issue. He indicated that based on his experience and working with other communities, it becomes an issue on smaller lots. This is the dilemma we have. He posed the question of how do we balance a community that has large lots with all of these animals with smaller lots. As far as the commercial aspect goes, Mr. Crane does not think anyone has an issue if 10 extra eggs are being sold; under the proposal, an organic egg farm could theoretically be opened. If that is what the Commission and residents want, then that is fine, but he thinks we need to go into this with our eyes open. Mr. Crane expressed that it is the role of staff to inform the Commission what the issues of other communities have been and then leave it up to the Commission to make a recommendation.

Mr. Beck expressed that in his experience with chickens, it takes 6 months before a chick starts to lay an egg. So there is this dead time where they are being fed with no production. His family has gone to where they buy chickens one year and keep them for two years and then bring in a new set of chicks while eggs are still coming from the previous ones. Sometimes it can be said that 24 chickens will bring in x amount of eggs, but the truth is you are generally using half to two thirds of that at a time. In addition, the idea that a chicken lays an egg a day is based on a lot of factors and is usually in a commercial kind of situation where there are heated and lighted environments where the chickens are encouraged to lay a lot. When those things are not done and it is cold outside, the chickens spend a lot of their time just trying to stay warm. Mr. Beck expressed there are a lot of factors that mitigate on how someone were to organize themselves.

Deanna Holland said that she has seen Mr. Beck's chicken coop and based on his proposed ordinance, it would be absolutely doable on her property. She indicated that she lives on just under a half acre. Right now, she does not have access to anything. She does live in an older neighborhood, her house is 38 years old, and it is in an area that is friendly toward that so that no one would be upset if they parked their trailer on the street during the summer. She expressed that the feel of her area is more of the feel of the older Highland feel. Ms. Holland said that she has lived in Highland since 1994 and lived in three different homes. She feels that in about the last ten years newer subdivisions have come in that have CC&Rs and the City Council has kind of taken the view as this is where the city is going and made the ordinances to reflect what those neighborhoods would want. She stated that when that has happened, the other neighborhoods have kind of gotten the shaft. Ms. Holland said her neighborhoods are friendly to that. She had a neighbor kiddy corner to her at one point that had three or four roosters. They worked together so that there were not issues where animal control or anyone ever had to be called. Her puppy would bark when the rooster crowed, but they worked that out together. She feels like those are types of things where neighbors should work out on a one on one basis. She said that out her family, she is the

only one who has been able to work things out with a neighbor in regards to a barking dog, not even a matter concerning chickens. Ms. Holland said that it feels like the regulations and ordinances make it so that neighbors do not even have to talk to one and other anymore. She said that Highland should be a place where neighbors can talk to one another. She expressed that the more regulations we get the less we are having to talk to each other. The newer subdivisions are great, but they have their ordinances that people have moved in and want those restrictions and there is no need to make the adjoining or older neighborhoods have such stringent restrictions. Ms. Holland expressed that she would be very happy to have some small animals on her lot and she would make sure she is kind to her neighbors when she does it. She stated that when she read Mr. Beck's proposal, it felt as though she would have some freedom with her property; she does not want to be mean or have trouble with her neighbor, but she does not need regulations that if she has troubles with her neighbor that they can call the police before even attempting to talk to her.

Ms. Holland expressed that there are property owners of under half an acre that would really like to have some opportunities to do some things with animals that are function-able. Commissioner Kemp asked what the size of her lot is. She stated it is about 0.44 of an acre and it is more wide than deep.

Ms. Holland stated that a lot of the time as citizens, they come to the City and expect the City to solve their problems. She expressed that she said there are people out there who would like to be able to solve their own problems. Mr. Crane stated that staff would very much appreciate that as well.

Mr. Copier said that it is a little concerning to him that the default seems to be to severally limit the existing rights rather than to try to craft something accommodates the different situations, the default was to run over land owner rights.

Commissioner Roundy expressed that he lived on 2 ½ acres and grew up on a farm and noticed that it was discussed about milking goats. In his mind there is a big distinction between that and billy goats. A billy goat can be smelled from very far away. Growing up on a farm he understands that and does not have a problem with animals. He thinks if he were in a subdivision he would have a big problem with a billy goat. The milking goats experience he had did not seem to have the same smell. Mr. Crane added that because goats are classified as a large animals right now and we are not dealing with those and the notice was not advertised for those, we do not have to address these types of animals. Mr. Crane said that if the Commission wants to reevaluate the large animal ordinance, that is something that can be visited a later date. Commissioner Roundy acknowledged the difference and then indicated that he would like to see peacocks outlined in the ordinance. One other concern he stated was for the treatment of the animals. He had a neighbor that would chain an animal to a tree for hours in the day. At no time did animal control approach the resident. He expressed that if we err, it needs to be on the side of making sure we are not bringing in something offensive. He said there are different areas and that is why things are zoned different and we need to keep that in mind.

Commissioner Garrett asked if it would be possible to make a motion to continue this discussion. Commissioner Day asked if this is even recommending this ordinance or is it recommending that it is worthy of hearing. Mr. Crane stated that the Commission is recommending an ordinance.

Commissioner Kemp indicated he was fine with the majority of the ordinance. The only changes he would make is the setback distance from a resident's home to 20 feet from 75 feet and he would remove the wording about rear yard in regards to the roaming of the animals in an enclosed yard. Commissioner Kemp said that fences are not allowed in front yards, so that would not be an issue.

Commissioner Day clarified that the reason this was brought before the Commission was to allow smaller animals on smaller lots. Commissioner Kemp said that it was requested by a City Council member. Mr. Crane explained that one resident in a subdivision approached the City Council to allow small animals specifically chickens on smaller lots. It was sponsored by two members of the City Council, so that is why it is before the Commission.

Commissioner Kemp said that peacocks may be okay on an acre or two and if there are larger lots, he would be fine with roosters. Commissioner Day asked if a peacock would be considered larger than a chicken or small animal. Commissioner Kemp said they would probably be small animals.

Commissioner Day said that he has an issue banning roosters. Every case is different and every neighbor is different. He said that when his neighbor had roosters, it was annoying. He talked to the neighbor and the neighbor killed the roosters. Mr. Crane asked from a staff perspective how do we choose which roosters stay and go. Commissioner Day said he guesses that you let neighbors deal with it. Mr. Crane stated that he cannot write an ordinance that says if your neighbor is okay with it then you can have them; that is not fair to everyone. Commissioner Day said that his request would be that if it is encroaching on someone's property that the noise ordinance be used to address such concerns. Mr. Crane said that the noise ordinance as it already is would prohibit them during the hours of 10pm to 7am. Commissioner Kemp said he would be in favor of one acre of larger lots being allowed to have roosters. Mr. Crane said that he believes one of his roles is to address compatibility and this is one of those issues and that is why it is included in the ordinance. Mr. Crane indicated again that the option is up to the Commission.

Commissioner Heyrend said that he would agree with most of what Commissioner Kemp said. He would add to the code that offspring under the age of 12 months would not be counted on any of these. He said that is a fairly typical addition. When he looked at the West Jordan City code, they used the point system as Mr. Beck provided. Commissioner Heyrend said that it seems to work pretty well. This code is okay too.

Commissioner Temby stated that there have been some members of the community here tonight that have offered to provide some additional input. He suggested that we come back at the next meeting with an edited revision of the existing ordinance. Commissioner Kemp said that some direction would need to be given to Mr. Crane on what to change. Commissioner Temby said that he is suggesting that a committee of the community bring that to the Commission or Mr. Crane. Commissioner Kemp said he is not sure that we have the ability to form a committee. The community members can go talk to Mr. Crane any time they would like. Commissioner Temby indicated that he thinks we are trying to edit this on the fly and he does not think that it works.

Commissioner Garrett said that he would tend to make several amendments to this proposal as well. He indicated that he would not be opposed to continuing this discussion to a different time when the Commission has had additional time to research it. He stated that regarding the proposal by the City, he does not have an issue as far as structures and how close they are to resident's home. The 100 foot setback on small lots certainly does not work and needs to be adjusted to 50 feet. Eliminate altogether the setback requirement from the owner's house.

**MOTION: Commissioner Roundy moved to continue this item to the next Planning Commission meeting. Motion seconded by Commissioner Carruth. Unanimous vote, motion carried.**

**DRAFT MINUTES OF THE FEBRUARY 28, 2012 COMMISSION MEETING**

**PRESENT:** Commissioner: Chris Kemp  
Commissioner: Jay Roundy  
Commissioner: Sherry Carruth  
Commissioner: Abe Day  
Commissioner: Tim Heyrend  
Commissioner: Scott Temby  
Alternate Commissioner: Lance Garrett

**EXCUSED:** Commissioner: Steve Rock

**B. OTHER BUSINESS**

1. Work Session – Animal Regulations: The Commission will discuss current and proposed animal regulations. A recommendation to the City Council will be provided after an additional public hearing to be held in March.

Mr. Crane explained that after reviewing the last meeting and what the issues were, he felt that we needed to take a larger approach to this and think about how we do Development Code amendments and what thought process we go through. The idea is to have a decision tree as we go through this. In order for this to be productive, we need to have a discussion amongst ourselves. The ultimate goal is to have the Commission provide staff with some direction. At that point, staff will draft an amendment, re-advertise it, and bring it back to the Commission for a public hearing where the Commission then makes a recommendation to the City Council.

Mr. Crane went in to detail as to what the role of the Planning Commission is. He stated that they serve as a citizen committee that makes recommendations on land use regulations. As part of that, the Commission solicits public input, which is important, but the recommendation and responsibility comes from the Commission on what something looks like. Staff is here to help the Commission with that. It is important to keep in mind that in general, when there are applicants involved (specifically surrounding development code amendments), there is a special interest involved because there is something they want to change.

Mr. Crane reminded the Commission that it was discussed before as to what the definition of Highland is. He explained that he looked at the documents the City has and what the General Plan defines Highland as. That is the thing that everyone agrees on for what Highland is. In his research, Mr. Crane said that he found back in 1978 they talked about this transformation from an agricultural community to a bedroom community and that is a key underlying thing throughout the plan. It is part of the vision statement; we are a bedroom community, with large lots, single family homes, natural areas and open space. Mr. Crane explained that becoming a bedroom community was a decision that took some real consideration. He stated that in looking at the land use map, 60% of the land use is low density

residential. We do not have an agricultural land use category. Mr. Crane expressed that we understand things change and what was reflected in 2008 for our community may no longer be the case. He further commented that there was a goal in the General Plan that talked about to encourage the preservation of agricultural land, but how they implement was to provide financial or other incentives to maintain agricultural uses. They did not discuss expanding; they wanted to maintain the existing uses. Mr. Crane reiterated that there was the lack of an agricultural zoning district. Majority of the city is zoned R-1-40; lots consist of single family residences with one unit per 40,000 square feet; lots can go down to 20,000 square feet. There are also open space subdivisions that can be in the R-1-40 or R-1-20 zoning districts; there can be 14,000 square foot lots in there. In the View Pointe subdivision, there are 8,000 square foot lots. In the R-1-20 zoning district, the lots are 20,000 square feet, but there are some subdivisions that are less which are called non-conforming. There is also the Town Center zoning district which is a totally different development than what we have seen. Mr. Crane indicated that he has worked with rural counties and with defining what is rural. The definition of what rural is varies by person. Some of the things Mr. Crane has heard were: the feel, the development pattern, the people, land use characteristics. He explained that he wants the Commission to discuss amongst themselves what rural is.

Commissioner Day stated that when he thinks of urban he thinks of houses; rural he thinks of farms, open space, horses. He said that when a rural area is urbanized there is going to be a mixture. Commissioner Heyrend defined rural the same as Commissioner Day did. He said that since we do not have an agricultural district that when people bought their lots they assumed they would have a certain amount of animal rights. Mr. Crane agreed; it has probably changed in the past 10 years with the development pattern. Commissioner Carruth expressed that lately the development has been large homes on small lots. It is an urban lot and is not rural. Commissioner Rock stated that he was not sure how he would define rural. Commissioner Roundy said the difference in his mind is the number of people that live in a geographical area; density. Commissioner Kemp said he agrees with most of the things that have been said. In regards to the Town Center, he would consider it urban; high density. The older areas with an acre or more, he would consider to be more rural. Overall, it probably comes down to a density issue. Commissioner Garrett said the definition of urban would have to do with density and suburban is primarily residential and then rural has a majority of the property as agricultural. Mr. Crane indicated those are all good comments.

Mr. Crane reviewed the information he had compiled for Highland City regarding the history of animal ordinances. In 1978, there was no limit, Town Council approved them, and there was a 100 foot setback for any residential use. In 1981, it changed to two large animals per acre still approved by the Town Council. The minimum lot size requirement was 40,000 square feet. In 1990, there were the existing regulations. In 2006, there was a discussion about changing the regulations, but no changes were made. In 2011, there was an amendment that increased the number of large animals on a lot.

Mr. Crane posed the question what is the purpose of this amendment. He asked if we are doing this to revamp the entire animal or ordinance or are we looking to adapt to a changing circumstance to directly address chickens. Commissioner Roundy said he considered one of the things that the Commission is charged to do which is protect the property rights or values of properties within the city. Mr. Crane expressed in his experience there are two categories. The first is people who really like animals and really want that type of property and then the other category is people who do not. Sales and values are affected by either of these. Commissioner Carruth said that there are some common sense expectations that most of us have when we look at different types urban, suburban, or rural areas. Commissioner Day expressed that the vast majority of who he has spoken with want chickens because they are concerned

with the economy; possibly something breaking down that would affect their ability to get food. He indicated that right now this is more of a hobby people are dabbling in.

Commissioner Kemp expressed that the original request was how we allow chickens on smaller lots, not looking at the entire animal ordinance. He said that there is the understanding that some people would like the entire ordinance looked at, but for the immediate future, perhaps we should address a way to get chickens on smaller lots; there was a request from a council member to do so. Mr. Crane said that it is within the Commission's realm to address the entire ordinance if they would like to. Council member Tim Irwin indicated that the request was to look at the entire ordinance. Mr. Crane explained that his understanding of it was to allow the Commission, if they chose, to address the whole ordinance. Commissioner Kemp stated that he is inclined to get the smaller lots the ability to have chickens and then take more time and look at the entire ordinance. Commissioner Rock brought up concerns about how doing only a chicken ordinance would affect the ability to keep roosters. Mr. Crane explained that if we address chickens on lots less than 20,000 square feet there are some considerations. Those items being: number of chickens, location of the coop, roaming, and what wants to be done with roosters. Commissioner Day expressed that this needs carefully looked at because there are small lots adjacent to open space. Mr. Crane said that the minimum lots size in an open space subdivision is 14,000 square feet.

Commissioner Kemp expressed that the Commission should address the items Mr. Crane outlined in relation to a chicken ordinance. He said he is happy to look at the entire ordinance. The issue of chickens seems to be the most pressing matter in relation to the animal ordinance. Commissioner Rock suggested as opposed to not allowing roosters altogether on smaller lots, how about getting signatures from surrounding neighbors. Commissioner Kemp said he did not think that would work.

Commissioner Kemp said he is fine with someone having 6 chickens on a lot, no rooster, a coop next to the owner's home is fine, just 50 feet from surrounding residents. Commissioner Temby added keeping the coops clean. Commissioner Day asked for some considerations to allowing roosters. Mr. Crane expressed that in the research he had done, he found that the noise of a rooster can be helped, but not eliminated. Setbacks for coops were discussed amongst the Commission. No consensus was reached at this point.

Commissioner Carruth said that she spoke with Lone Peak, Pleasant Grove, and Lehi's animal control and they said the problems they have are that chickens brings raccoons, bobcats, and foxes into small neighborhoods. Another concern she found in researching this topic was concerning waste from chickens. BYU, University of Utah, and Utah state government all said there has been an increase with salmonella cases. The chicken waste cannot be disposed of in regular garbage and is not supposed to go on a garden until it has been composted. Commissioner Carruth also indicated that animal control voiced concerns about people who get chickens and once they grow up they decide they do not want them anymore. In those instances, animal control does not know what to do with the chickens.

Commissioner Day expressed that he does not want people encroaching on their neighbors. He stated concern surrounding the odors that may come from the chickens. Mr. Crane indicated that odors would fall under the nuisance category for code enforcement purposes. From a land use perspective the only way to address this would be through the number of chickens allowed.

Commissioner Heryend indicated he toured around some of the more agricultural areas. Some of the areas are well maintained and really sharp looking and others are, especially with large animals, there

was a real mess and odor. They may have met the code requirements with the number of animals, but with the care, it was a real nuisance. Because of these types of things, he is questioning whether we want to have basically a feed lot on a 30,000 square foot lot. Commissioner Heyrend discussed the dynamics of large animals on lots and the odors and nuisances created by them. He suggested using a point system for animals. Mr. Crane explained that there is not the staff to enforce that type of ordinance. By stating the number of animals all lots within a range can have is much easier for a city of our size to enforce.

Mr. Crane indicated that this chicken ordinance would apply to the R-1-40 zoning district and may or may not apply to the R-1-20 district. It would not include the Town Center area. As higher density residential came in, it would likely fall under the PD district and would be addressed on a case by case basis then. Commissioner Rock asked if additional staff would be needed to enforce an ordinance like this. Mr. Crane explained that anytime things are expanded, the risk is there that may require additional resources. Currently the enforcement is on a complaint driven basis.

Roosters were discussed again. Mr. Crane explained that they are currently allowed on lots 20,000 square feet and larger. He said that could be left as is if the Commission feels that is a good fit and address them on the smaller lots.

Commissioner Temby recommended that staff come back with some proposed language. He expressed that the current ordinance does not permit any small animals on a lot less than 14,000 square feet. Mr. Crane asked how many chickens the Commission wants on lots less than 20,000 square feet. Commissioner Temby indicated that he thought what they have outlined was fine, so that at less than 20,000 square feet allow 14 chickens. Less than 15,000 square feet allow 10 chickens; greater than 10,000 square feet allow 6 chickens. Commissioner Rock seconded that recommendation.

Commissioner Temby suggested that roosters be taken into consideration as far as a minimum lot size. Mr. Crane asked if the Commission wanted roosters on lots less than 20,000 square feet. The Commission indicated they do not.

Commissioner Temby said we could work on minimum setbacks by reducing them for the coops from 100 feet to some reasonable distance; 40 or 50 feet. Commissioner Heyrend said 40 feet is reasonable, but for larger animals, it would need to be larger. Commissioner Day asked if we are doing anything with large animals. Mr. Crane and Commissioner Kemp indicated this was just for chickens. Commissioner Kemp also stated the chickens need to be in some type of enclosure. Mr. Crane clarified that the chickens can roam in a backyard, but not anywhere else.

Commissioner Heyrend requested to exclude mink. Mr. Crane explained he is only drafting an ordinance for chickens. The mink would fall under small animals and because they are not listed in the definition, they are not permitted. The Commission, after some discussion, agreed that they wanted to address only chickens at this time by drafting an ordinance specific to them. Mr. Crane will draft a chicken ordinance and come back to the next Planning Commission meeting for a public hearing. Commissioner Temby stated that if there is a desire from the City Council to further address the overall ordinance, the Commission would need further clarification or direction from them. Commissioner Kemp agreed.

**HIGHLAND CITY**  
**PLANNING COMMISSION MEETING**  
**MARCH 27, 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. An additional public hearing was held on January 24, 2012. The Commission provided a recommendation to the City Council, part of the recommendation was based on incorrect information. The Commission is asked to review the information and modify their recommendation.

With the recommendation of trail corridor standards, the Commission is also asked to identify those corridors that would be appropriate for equestrian and other non-motorized uses in addition to bicycle and pedestrians. Staff is recommending that the Mitchell Hollow trail since it connects to Utah County Equestrian Park and the Murdock Connector trails, the Dry Creek Hollow Trails (within the Dry Creek Hollow area only), the aqueduct/power line corridor trail (connection to AF Canyon and foothills), and the Phifferhorn trail (designated and in use as a equestrian trail in Alpine) also be designated as equestrian trails. The Murdock Connector Trail has been designed for equestrian use.

As part of the January 24, 2012 recommendation, the Commission recommended that the Town Center Trail be relocated due to a driveway being built on an existing easement (Pugh Alignment). However, the trail corridor that is owned by Highland City does not cross the driveway as was presented, it is located west of the driveway and continues to the most logical and inexpensive connection from the Town Center trail to the Murdock Canal trail (Attachment D). In addition there are several other constraints including acquisition opportunities and topographic concerns which makes the alignment unbuildable. If the alignment is not revised staff believes that the trail will not be built. This would eliminate a connection between two of the main trails in the City. In addition, the trail tract was provided as part of the Canterbury North Plat G Subdivision which was plated in 2001.

**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.

A public open house was held on December 13, 2011.

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.

A notice of the Planning Commission public hearing was published in the Daily Herald on March 11, 2012. Notice was posted on the Highland City website on March 11, 2012.

#### **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. Further, staff recommends that the Pugh alignment be relocated as originally proposed by the Staff and the Trails Committee.

**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:**

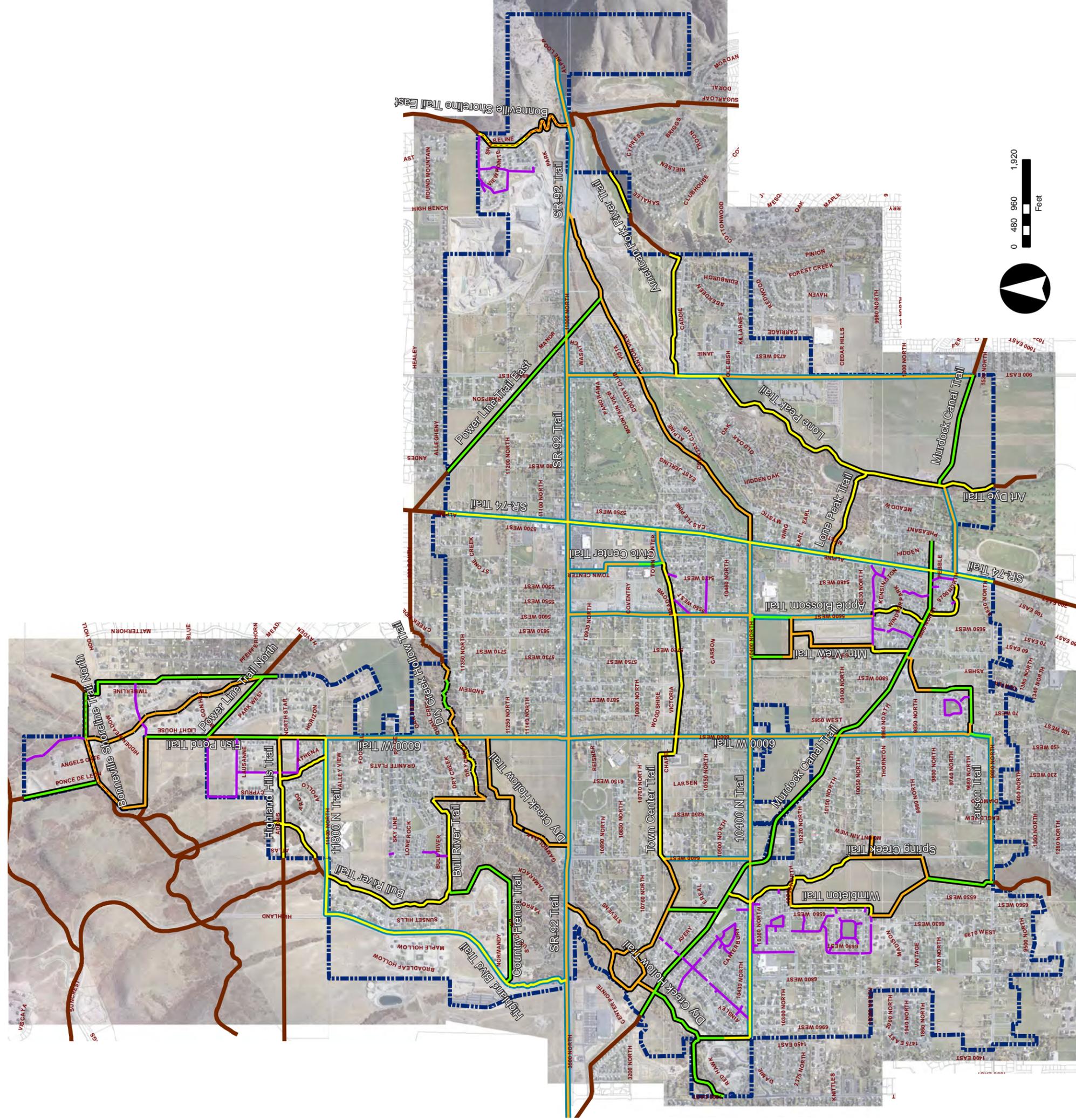
- Attachment A – Existing Trails Master Plan
- Attachment B – Planning Commission Recommended Trails Master Plan
- Attachment C – Staff Recommended Equestrian Trails
- Attachment D – Pugh Alignment Overview

# MAP 8-4 EXISTING AND FUTURE TRAILS PLAN

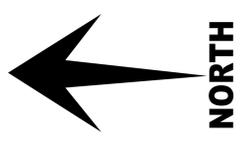
## Trails

-  Bonneville Shoreline Trail
-  Existing Trails
-  Future Trails City Secured
-  Future Trails Unsecured
-  Neighborhood Trails
-  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

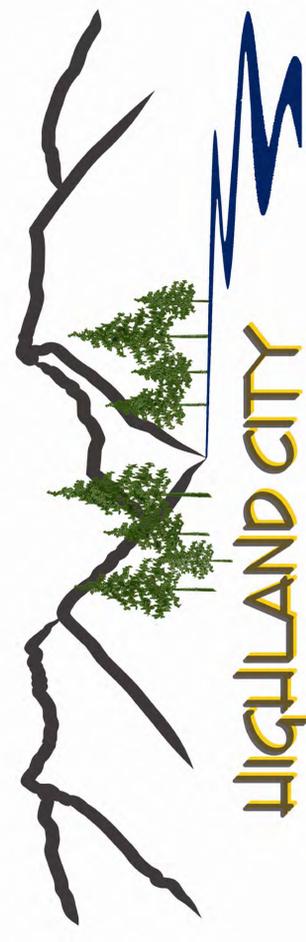


# Highland City Proposed Trails Map (Planning Commission Recommendations)



## Legend

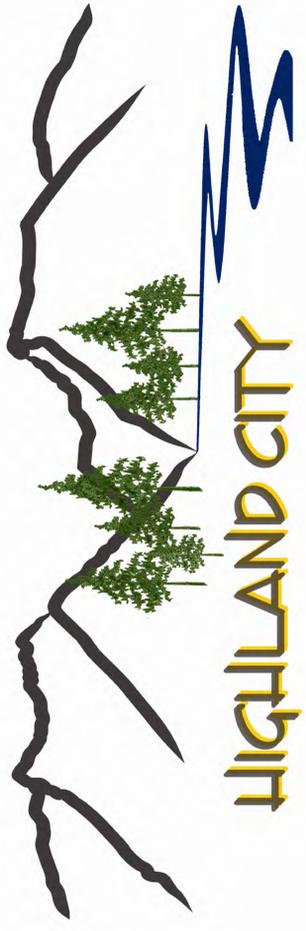
- Main City Trail
- - - Proposed Main City Trail
- Connector Trail
- - - Connector, PROPOSED
- Neighborhood Option Trail
- - - Eliminated Master Plan Trail (Not Constructed)
- Neighborhood Trail
- Murdock Connector Trail



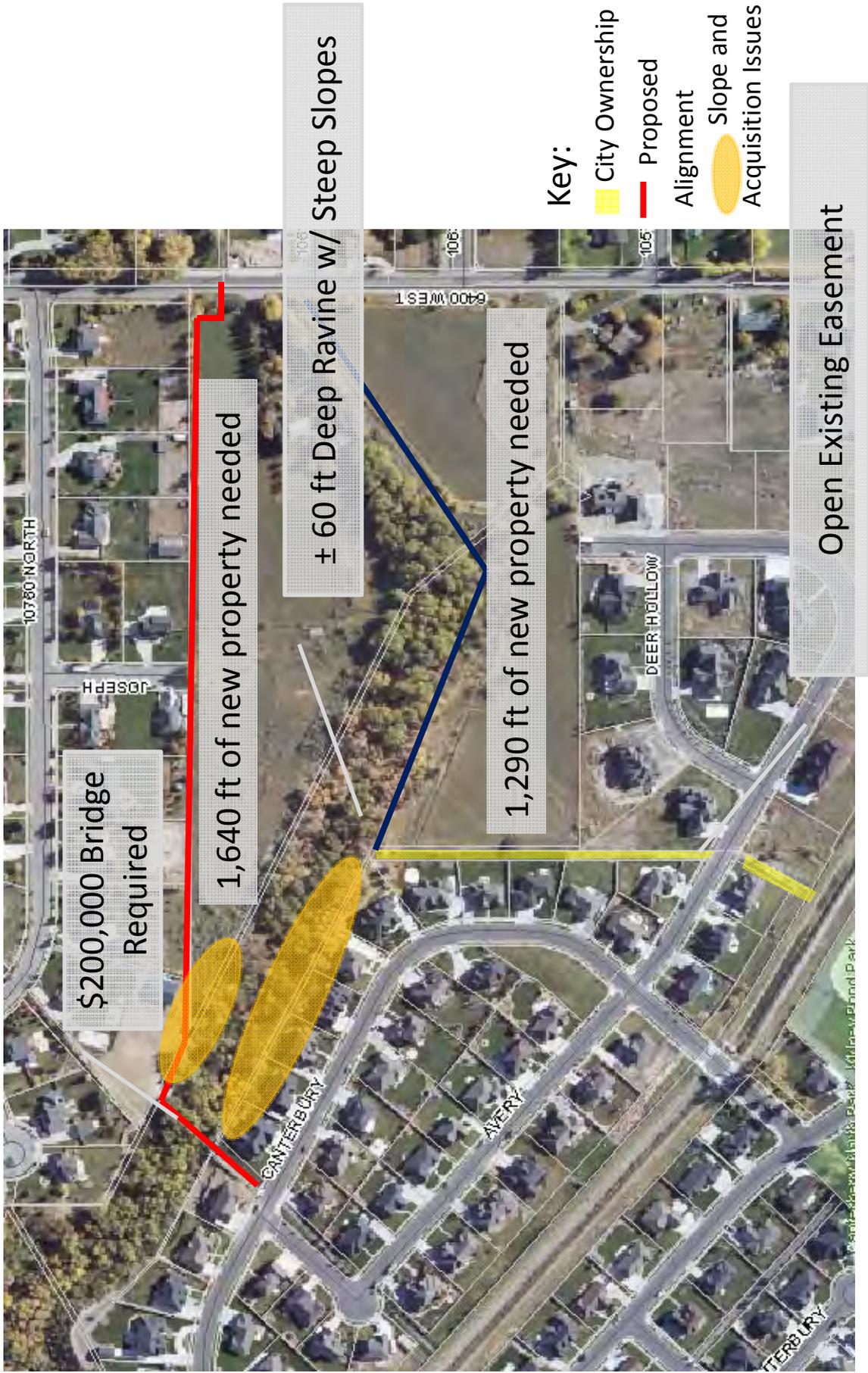
# Highland City Proposed Trails Map (Planning Commission Recommendations)

## Legend

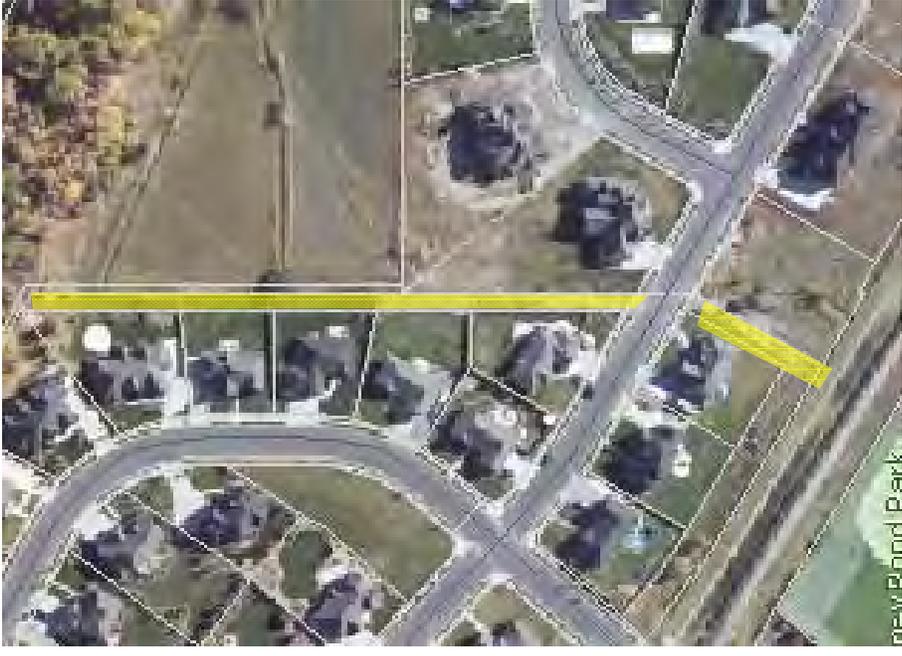
- Main City Trail
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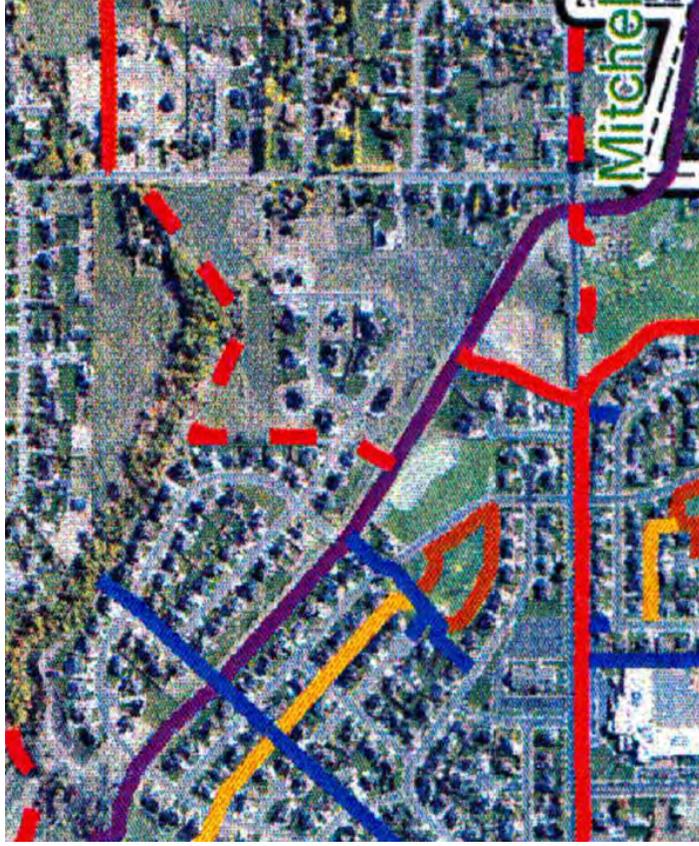
# Pugh Alignment Overview



# Site Photo



# Pugh Alignment



Staff and Trail Committee Alignment



Options Presented to Planning Commission

# Highland City Proposed Trails Map (Planning Commission Recommendations)

## Legend

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