

Highland City Planning Commission

February 28, 2012

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Chris Kemp, at 7:00 p.m. on February 28, 2012. An invocation was offered by Commissioner Jay Roundy. Commissioner Scott Temby invited the Boy Scout Troop present to lead those assembled in the Pledge of Allegiance.

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

EXCUSED: City Administrator: John Park
City Engineer: Matt Shipp

STAFF PRESENT: Community Development Director: Nathan Crane
Secretary: Jill Stewart

OTHERS: Chris Dalley, David Beck, Deanna Holland, Thomas Butler, Tim Irwin, Tessa Watts, Mike Burns, Melissa Holdman

A. APPEARANCES

Commissioner Kemp read an opening statement for the Planning Commission.

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

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

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

We thank you in advance for your participation.”

Commissioner Kemp invited comments from the public regarding items not on the agenda. David Beck, Circleview subdivision, thanked the Commission for being willing to consider some of the changes they have been looking at for the animal guidelines. He requested consideration for those areas that are not regulated by CC&Rs for a medium sized animal category in addition to the small and large animal categories; it would include goats and sheep. Because they are smaller in size, Mr. Beck requested they be allowed to be kept on lots 20,000 square foot lots and larger. He expressed his appreciation for consideration.

Tessa Watts lives in the Canterbury South subdivision, and was here to represent her husband Dan who was unable to be here this evening. She stated: Please repeal as many regulations as possible restricting ownership of small animals. People in our area can be trusted to make wise choices for themselves and their families, especially in the small matter of poultry, without external intervention. Compared to others in the area our lot is small (.33 acres), but we want to teach our children to care for chickens and see where some of their food comes from in this way. Our government should not hinder our ability to do this; respectfully, we are quite capable of deciding how to house chickens to make sure they and our children are cared for properly without it being legislated.

Ms. Watts continued by stating, also if my kids decide that they want to sell our extra eggs, neither they nor I should be criminalized for their doing so. It is nothing but a benefit to the **children's** developments and therefore to the community you govern over if they learn entrepreneurial skills. Ms. Watts indicated that her three children are autistic and part of why we moved to Highland was to be nearer to farm animals for them. She said as you likely know, children with autism often respond better to animals than to humans, as is the case with two of her kids. When they feel safe with an animal, they are more able to achieve joint attention with a nearby human. While it is not **anyone's** fault that her family did not look into the local position on chickens and other small animals before they moved in two years ago, we are hoping people in charge will see this issue with a level head and allow us to help our kids in this way while harming neither person nor animal. Ms. Watts said she looks forward to hearing the outcome of this decision and appreciates your representation of our family.

Deanna Holland stated that she is excited that the Commission is willing to look at the animal ordinances again. She indicated that she met with Mr. Crane, Community Development Director, yesterday and she got the **City's** perspective on animal regulations. Ms. Holland said she thinks there is a way to allow people to have chickens on the smaller lots and to have medium sized animals on medium sized lots. In talking with Mr. Crane, her hope was to allow 14,000-15,000 square foot lots to be able to have some poultry. She said she would appreciate the Commission looking at that.

Mike Burns said he is here to talk about the animal ordinance under consideration. He lives at 6205 West 10050 North, which is a large one acre lot that allows them some options for animals. He explained that his family moved from a smaller lot in Highland to allow the option for poultry and livestock and other things. Mr. Burns asked that as the Commission consider s changes that they not reduce the options and rights that homeowners of larger lots have. He indicated that it is essential to have a rooster for the reproductive process, so they want to make sure they have the right to maintain a rooster on their lot. Mr. Burns mentioned that his neighbors were disappointed when his rooster was not around any longer, the neighbors

missed the rooster sounds; Mr. Burns said he guesses that is just the type of area that his family lives in.

In closing, Mr. Burns asked that as the Commission considers any new subdivisions or options they think about yield signs instead of stop signs where they make sense. He indicated that considering gas prices, we can gain some great efficiencies by not having to come to a complete stop where it is completely unnecessary.

Thomas Butler, resident and Council member, asked that we remember the impetus of this whole chicken and animal discussion that it came from several people that came forward who said they wanted the ability to have chickens and other small animals on less than half acre lots. Mr. Butler indicated back in December a woman approached the City Council about this and it was taken by a majority of the City Council as a good suggestion. The Council wanted to look at ways to loosen up restrictions, not make them more difficult. He said that since that time they have received various emails from other residents mostly in support of those same things.

Mr. Butler stated that from an investigation that was done, about half of the city has CC&Rs, which supersede anything that the Commission or City Council will do to loosen this. He said that he has a neighbor two doors down that has a one acre lot with animal rights; Mr. Butler indicated he was looking at the current regulations on setback requirements and a large animal has to be set back 100 feet from a neighboring home and 75 feet from the principle's home, therefore this neighbor would only be able to have a horse kept in an area that is about 4'x4' in a particular part of his lot based on those regulations. Mr. Butler expressed that on one hand we give and on the other, we take away. He suggested that be kept in mind as the Commission considers arbitrary setbacks. Mr. Butler stated that we are in a monumental struggle these days between those who want to control every aspect of our lives and not just at the federal level and we have got to think about it on a regular basis to remember the oath that we took to defend the constitution and the rights that are held sacred regarding life liberty and property. He invited the Commissioners to do a little research on Agenda 21 and sustainable development. These are draconian programs that are being implemented and trickling down to us on the local level and we do not even realize it. Mr. Butler said in the end it is very difficult and we need to be fighting against encroachment and the erosion of our rights at all levels. So we are either on the side of more liberty, rights and freedoms or the side of control. Mr. Butler expressed his appreciation for the work the Commission does.

Melissa Holdman said she caught the tail end of Mr. **Butler's** comments and would like to second those comments.

Hearing no further comments Commissioner Kemp continued with the scheduled agenda items.

B. PUBLIC HEARING AND LEGISLATIVE ACTION

1. TA-12-02 A request to amend the Highland City Development Code Chapter 6 Supplementary Regulations by creating Section 3-624 Trail Design Standards adopting regulations relating to corridor widths and construction standards. Legislative.

Nathan Crane, Community Development Director, introduced this item and explained that we

are in the middle of the process of updating the trails master plan. A couple of things have come to light since the last discussion. Mr. Crane explained that we do not have a recommendation for trail corridor widths. He said there are a lot of areas to go over, so staff has compartmentalized them and they will each be addressed as we go forward.

Mr. Crane stated that one issue we need to address is corridor width. There are a couple of alignment issues that need to be discussed and those will be brought back to the Commission in March. Trail use also needs to be discussed; this means which uses they are designed for, bikes, pedestrians, or equestrian.

The City has heard concerns from trail users that 20 foot trail corridor widths are unsafe and they are reluctant to use those because of this. The trails that Highland has done are designed as multi-use trails for bike and pedestrian use. They are usually about a 10 foot wide asphalt path in about a 20 foot wide corridor. Many of the trails in Highland are in a much wider corridor than the 20 feet as staff looked at some of the trails during a drive around today. Mr. Crane stated that it is important to know in adopting new regulations that they will not affect existing corridors unless the Council chooses to acquire additional property. There are some areas where wider corridors can be accommodated.

This amendment identifies the standards for trail corridors as new development come in. It includes standards requiring the developer to construct all trails. We would address whether or not a trail could be in an easement; there is some flexibility for that. It is preferred that those are in fee simple ownership. The amendment does not include trail amenity standards. Mr. Crane stated that the Commission can discuss this if they want; this would include things such as benches, skate points, lighting, etcetera.

Mr. Crane reviewed photos of trails from the city. He indicated that concerns with trail corridors become that fencing and/or narrow corridor widths can create a very unsafe feeling and/or unsafe conditions for certain trails in the city. Commissioner Heyrend asked how wide the asphalt is for the trails in the photos. Mr. Crane stated they are typically 10 feet. The Murdock Canal will be a much larger corridor. A lot of times wider corridors happen because things are being done such as ditches are piped or existing power lines corridors are used.

Mr. Crane indicated that the Commission needs to determine a setback between a development and a trail surface. He explained that the Commission will need a conversation on connector trails and whether they can have a narrower corridor than 20 feet. These types of trails provide a brief connection to other trails. Mr. Crane stated that staff feels the corridor width can be narrower than 20 feet. These types of trails go a very short distance in most cases.

Mr. Crane indicated that there needs to be a natural resource buffer or setback between ravines, other natural vegetation, and things like that. The reason is overgrowth and maintenance; and a setback cuts down on that.

A member of the Trails Committee is here this evening and can address the Commission in a moment if he would like to. There is a memo before the Commission from the Trails Committee regarding this matter. Mr. Crane indicated that the findings for a multi-use trail that combines bicycle, pedestrian, and equestrian uses. This is a corridor between 25 and 30 with the key being separating the equestrian uses from other uses on the trail by somewhere around 6 feet. Mr. Crane said there is a chart that was provided in the staff report and the numbers are fairly consistent. Single track bike and pedestrian 12 to 30 feet. Nature pathway 30 feet; equestrian only somewhere around 20 feet.

Mr. Crane stated the Commission needs to consider the trail classification, trail length,

corridor width, and the user. He indicated that a chart was included in the staff report that has data showing typical things used throughout the country. Staff tried to look for a national standard, but there is not one out there. Some of the key things are: corridor width, separation between uses, setbacks, horizontal and vertical clearance (this in our case would be use very rarely, possibly for a hillside). Mr. Crane explained that what the amendment does, going in to more detail, it says the location is provided on the general plan. The trails master plan is not designed to show exact locations. It is designed to show this is the general location where a trail is needed and what the points of connections need to be. The surface can be asphalt, concrete, or crushed rock. The rock being used in natural areas, such as dry creek basin. We do have some regulations for weed and dust control; one of those big issues is when trail corridors are put in and nothing is addressed. Also, fee simple ownership and signs identifying trails entrances, rules, etcetera. Mr. Crane turned the item over to the Commission for discussion and a recommendation.

Commissioner Temby asked on the setback areas if it is a cumulative distance or per side. Mr. Crane indicated it is on each side.

Commissioner Kemp opened the public hearing at [7:28:29 PM](#)

Commissioner Rock asked if the public safety department had any specific recommendations concerning trail corridor width and if they patrol them. Mr. Crane indicated that is something staff will get information on for the Commission.

Doug Cunningham, Open Space Committee member and resident, stated he is an avid trail user and uses them every day. The trails are one of the reasons his family came here. He said that bigger is not always better. They may work in wooded areas, however, just because something is wider does not make it safer. Once there is a certain configuration of a trail and it is made so wide (30 or so feet), it then becomes a road. Mr. Cunningham reminded the Commission of the situation in his neighborhood he spoke on last time with people racing up and down the Pfifferhorn trail. He expressed that people feel that it is a danger to have people in an uncontrolled wide area racing up and down a trail. Mr. Cunningham stated that one of the issues he has is that staff has not provided any rationale other than the feeling that a wider trail is safer. In the staff report and information provided, there is no other city in the area with a minimum trail standard greater than 20 feet. Mr. Cunningham expressed that he does not know why we feel we need to go bigger than that. He said as a city, he would rather we set an intelligent design standard that meets the needs of the particular neighborhood that lives with the trail on a daily basis. He asked that we be sensitive to what a neighborhood would like and to unintended consequences that could arise by going with something wider that may not actually be best for the people that have to live with it daily.

George Ramjoue, chairman of the Trails Committee, stated that Mayor Ritchie, John Park and Nathan Crane asked the Committee to consider the widths of trail corridors and make some recommendations. The Committee did make some recommendations. They did not make any recommendations for trails that are in street right of way corridors. There already are standards in existence that most municipalities use. Those standards are the AASHTO, American Association of State Highway and Transportation Officials, standards. The standards are used for trails planning and design in street right of way. What the Committee did was try to provide some input for recreation trails within Highland. The Committee identified the shared multi-use trails; some input was received from Nathan and John.

Mr. Ramjoue explained that a matrix was included that identifies four types of trails; single track, shared use, nature, and equestrian. The matrix includes the types of uses of the trails, recommended surface widths, the right-of-way widths, clearing widths, as well as design standards. He explained that what was primarily used was the Portland Parks and Recreation Department matrix. He indicated they have some of the best trails and probably best documentation for trails in the country. Several other references were used.

Mr. Ramjoue encouraged the City to incorporate some flexibility into the regulations they put in place. He discussed opinions on trails widths, as well as maintenance and safety surrounding different widths. Mr. Ramjoue asked if there have been any incidents reported in regards to trail safety. Mr. Crane stated there have been some; the police department would have details. Mr. Ramjoue expressed that if there are safety issues they should perhaps be addressed, if however, there have not been incidents, there might be an overreaction to some degree in regard to corridor width and safety. He said that 30 foot corridors are rare and expensive for cities to purchase and maintain.

Commissioner Roundy remarked that Mr. Ramjoue spoke numerous times regarding flexibility and widths which Commissioner Roundy concurs with. He asked who would establish what the trail widths are so there is not a jigsaw puzzle we create that leaves the police to memorize and know different trail widths. Mr. Ramjoue stated that it depends on the circumstance, sometimes it has to do with sight distance, the type of trail, slope, drainage, land use, etcetera, so criteria could be developed to address those types of issues.

Commissioner Rock asked if there was a ten foot trail and to the side of that an equestrian trail which is not used often, what the way would be to keep weeds and grass maintained. Mr. Ramjoue stated that a lot of times when an equestrian trail is constructed, it is built with that in mind to try to keep the unwanted growth down in those areas. Something may be put in to diminish the sunlight to the soil to eliminate the possibility for plant growth.

Commissioner Temby asked if **Mr. Ramjoue's** vision in regards to flexibility is that we develop minimum standards with the general plan that then allow a developer who is implementing the trail design to come in and present the proposed trail for approval. Mr. Ramjoue said that is reasonable; he thinks there needs to be some minimum standards, but not to the point where every detail has been outlined and required. He stated that he thinks it needs to be decided what the environment and area are like, what the use will be, where the trail leads, and all kinds of issues that until a proposal is made a more thorough analysis can be made to create a good trail. Mr. Ramjoue said that if there is not a good basis for the regulations, it weakens the regulations.

Mr. Crane explained that the setback from a development, width of paved surface, and the type of use are the three things that go into what a trail corridor width is. This was brought to the Commission because it is a consistent concern that the City has heard that needs to be addressed.

Tim Irwin, council member and resident, said he sits and listens to the comments and tries to figure out what the compelling reason to do this is. He said that if minimum standards are put in place that it takes away some of that flexibility. Mr. Irwin stated that he would leave it open to approving a trail as they come in. He does not see a compelling reason to develop a minimum standard. He indicated that he struggles with the concerns that staff has expressed

and is not sure if those concerns are valid or not. Mr. Irwin expressed that if he were sitting in **the Commission's position, he would be looking for a compelling reason to establish these** minimum standards. He does not see it. Commissioner Kemp asked what happens if a developer comes in and says that we do not have any standards and tries to run all over us by installing a 4 foot trail. Mr. Irwin said that it does not have to be approved. Mr. Crane said that if there is not a minimum standard in place, then yes it does have to be approved. Mr. Irwin said that in that case maybe we just do not put a trail in. Mr. Crane stated that is certainly an option. Mr. Irwin said he cannot imagine something like that happening; he thinks we have reasonable people. He further stated that he thinks there are unintended consequences that develop as a result of what you do. We just need to be careful.

Commissioner Temby asked Mr. Irwin if he sees public safety as a compelling concern. Mr. Irwin said that public safety is up to an individual to protect themselves. If they chose to use the trail, they should be properly protecting themselves. He does not see the neighbors or the trail residents responsible for the safety of trail users. Commissioner Temby indicated he is considering visibility and line of sight. Mr. Irwin said that people who use trails should think about safety and think about how they can protect themselves.

Commissioner Rock asked about the requirement of the City to maintain the trails and stated that the resources of our city are so limited. Mr. Irwin said they are limited and so you have to be very careful. Commissioner Rock said that we need to find some limit so that our city is not so involved in that that they cannot keep up with. Mr. Irwin said he has walked a number of the trails and was recently in the Bull River area where the trails are not asphalt. He said they are great trails and he would not put any asphalt in there; a trail is a trail without asphalt. In some areas asphalt is appropriate and others it is not. Commissioner Rock asked if it gets muddy when it rains. Mr. Irwin said they do, but you would not use it then.

Commissioner Kemp closed the public hearing at [7:56:44 PM](#).

Commissioner Roundy explained that at one time he was an architect for the forest service and they designed miles of trails. They saw trails that ran through about virtually everything that is being discussed tonight. One of the things they had to keep in mind was that regardless of the use of the trail, there had to be full time trail crews keep them maintained. Commissioner Roundy said to keep the maintenance of it in mind. He then said that we are discussing trails being owned in fee simple by the City and nothing in easement and probably the biggest trail we would be talking about would be the Murdock Trail, is owned by the federal government and there is no guarantee that will transfer in spite of all of the hoopla that goes on. It is not a problem having a trail on that, but that would probably remain an easement for the entire time, which he said he sees as being okay.

Mr. Crane explained that this is designed to deal with when development comes in. There will be trails that are ran and owned by different jurisdictions and if they own the property that is great. This is designed to eliminate and address some of the issues we have had where people do not realize they have an easement on their lot and therefore the useable lot area is less than the entire lot size.

Commissioner Roundy made comments in regards to safety on trails. He said there were a couple of extremely serious situations in the last year or so on the Provo river trail and it is a trail that is highly used. He stated that a part of the safety is everyone being aware. Also

when it is developed, it has to be kept in mind that a trail will create some sort of issues, whether it be a horse tripping and falling or something else.

Commissioner Day stated there are two issues he sees with this; the first being unkempt trails and the cost to maintain them by the City and the other issue is safety. He said that some of the open and natural trails allow for areas for someone to hide in a bush, whereas, a trail corridor where visibility is 30-40 feet ahead, no one can hide in that area, especially if it were fenced wall to wall. Commissioner Day expressed that perhaps this corridor thing is a moot point because there is no guarantee of safety. A police officer would have to be present to catch anything happening at an exact moment when a criminal did something, which is probably a one in a million chance. **He reiterated, from Mr. Irwin's statement earlier,** that the trail users may need to be responsible for their own safety whether that be concealed carry or whatever they want to do for protection. Commissioner Day said for these reasons he feels it is kind of a moot point to talk about safety issues in regards to trail corridor widths.

Commissioner Day spoke on the constant maintenance of the trails. To him, a trail is kind of like a sidewalk, which most of us have in front of our homes. The residents are responsible for maintaining the area in front of or to the side of the sidewalks and the only maintenance the City does is the actual sidewalk. Commissioner Day posed whether it could be discussed **as a part of the minimum standards, the City's responsibility versus the residents in regards to** the things they can do adjacent to the trail because they are maintaining the trail and then the City only being responsible for maintaining the trail itself.

Commissioner Heyrend said that he is not so concerned about the public safety, he is an avid trail user. He stated that a trail needs to be wide enough to accommodate a fast paced mountain bike and runners/walkers; this is a safety concern for widths. A minimum of about 10 feet would be good to accommodate this type of situation. There also needs to be a setback from the asphalt to allow room for a biker to go off the trail around other users if needed. Commissioner Heyrend indicated that another safety concern is with equestrian uses. There are equestrian users and trail use ability would be a great benefit to them. We need to allow horses safe passage and to not be spooked. He said that in regards to the chart that Mr. Crane provided in the staff report that he does not feel there are enough categories. He would like to break it up a little bit better.

Commissioner Kemp asked for minimum standard recommendations from the Commission. Commissioner Heyrend recommended a minimum asphalt width in a multi-use of 10 feet and a setback of 5 feet on each side of that. Commissioner Day stated there are too many circumstances and things that may need flexibility. He feels that some setbacks could be as small as zero. Commissioner Carruth asked where the setbacks come from. Mr. Crane indicated it would be preferable that it comes from the fee simple we own this property. **He said that the key is that it is in somebody else's ownership beside the lot owner because of the issues that are dealt with.**

Commissioner Roundy said that he likes the trail standards as listed on pages 2 and 3 of the staff report. He recommended to adopt something like this and then give staff the opportunity, based on their knowledge of the city, to be able to offer some flexibility if needed in various situations. Commissioner Kemp expressed that he likes the chart as well. Commissioner Rock stated that he was looking at what other surrounding cities do and 6 out of 9 of them have a corridor width of 20 feet and their trail surface for 8 out of 9 of them have

a trail surface width of 10 feet. He said it seems like it has worked well in these other cities. Mr. Crane added that those were designed to deal with bike and pedestrian uses, but not the equestrian uses. Commissioner Day asked if horses are able to use the current trails. Mr. Crane said they are not prohibited. Commissioner Day posed the idea that 20 feet may be adequate for an equestrian use. Commissioner Heyrend stated that Herriman uses a 15 foot wide horse path next to a 10 foot wide paved bike/pedestrian path. Mr. Crane indicated that any publication shows separation of equestrian users from another user by at least 6-8 feet. Typically specific trails and routes are planned for equestrian uses; they do not fit into every environment.

Commissioner Heyrend stated that he spoke with West Jordan and their parks department in regards to trail maintenance. They will typically mow twice a year, as well as put down a pre-emergent spray twice as a weed control. He indicated that it did not sound like it was a hard process or labor intensive.

Commissioner Garrett asked if we can at least say that 30 feet is too large of a corridor for multi-use in the residential areas. Commissioner Kemp indicated that any motion could be made.

Commissioner Heyrend asked about the chart that has been provided and if it were meant to be added to. He indicated in looking at trail surface width that bikes are at 8 feet, walking at 6 feet, and equestrian at 6 feet. Mr. Crane explained that the bike, walking, and equestrian were separate uses. He used as an example the Provo river trail that starts at the gas station at the base of the canyon in Orem and goes up to Vivian Park. He said that in some areas it is 10 feet wide and in some areas wider. Mr. Crane explained that this is a good trail to use as a consideration; if anyone has been passed by someone on a road bike, they are going at least 40 mph downhill in some of those areas.

Commissioner Day asked if when a trail is proposed it will come before the Planning Commission. Mr. Crane said that it would; it would be part of a development. He expressed that some of the issues we have as a city as it relates to trails is that not all were built as part of the development, then the issue of who owns the property, and then the maintenance.

Commissioner Carruth said that our trails compared to the Provo river trail are different because they are in residential areas. She said that safety has to be looked at. She stated that we are looking at the trail user and then also the people who live there; they are two different issues. Mr. Crane stated that he thinks it is two-fold. He said that Commissioner Carruth may be able to elaborate on safety given her experience and her husband's experience with law enforcement. Commissioner Carruth indicated that when she was an officer in South Jordan, they went through all of this type of stuff and now they are at the opposite end where they got rid of almost everything. She remarked that even if there is an old boyfriend standing out on the trail harassing an ex-girlfriend where her home is adjacent to the trail, there was nothing the police could do until the person being harassed went through the court system.

Commissioner Temby asked if there is an assessment as to what the minimum corridor is that exists in our current trails plan. Mr. Crane said that from what he has seen, they all start at 20 feet. Commissioner Temby stated that based on what he has seen in the staff report and what he has heard tonight, he likes the table on page 2-3. As far as the multi-use and

equestrian category, he thinks the bike and walking categories are somewhat redundant whereas we do not designate our trails that way. He said he is leaning toward the numbers on the chart as minimum standards with the idea that a developer could come in and do more if they wanted to.

Commissioner Heyrend indicated that he would like to change the bike width to 10-12 feet for the trail surface width and also change the equestrian trail surface width to 15 feet minimum. Also, change the equestrian corridor width to 20 feet as a minimum with no maximum. Commissioner Heyrend expressed that he thinks there are some natural areas that are better preserved with a wider corridor width. Mr. Crane stated that in natural areas the main concern is making sure it is not next to a slope. Commissioner Heyrend noted he likes narrower corridor widths and would like to see the maximum width as 20 feet and identify them as multi-use trails by combining the bike and walking categories into one. He also indicated he would like to keep the clearances as they are in the table with the exception of changing the vertical clearances from inches to feet.

MOTION: Commissioner Heyrend moved to recommend that the City Council adopt the table on page 2 titled Trail Standard Criteria, with the following changes:

- 1. The multi-use trail surface width shall be 10-12 feet.**
- 2. The equestrian trail surface width shall be a minimum of 15 feet.**
- 3. The equestrian corridor width shall be a minimum of 20 feet with no maximum width.**
- 4. Eliminate the bike and walking categories and identify the trails as multi-use trails.**

Motion seconded by Commissioner Temby. Those voting aye: Commissioner Temby, Commissioner Heyrend, Commissioner Roundy, Commissioner Kemp. Those voting nay: Commissioner Rock, Commissioner Day, Commissioner Carruth. The motion carried with a majority vote; 4:3.

B. OTHER BUSINESS

- 2. 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 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.

3. Annual Training - Open and Public Meeting Act

Mr. Crane explained that this is required annual training. This is the same information that was given to the City Council at their last meeting. The Utah open meeting law and Grama laws are designed to promote transparency and accountability for government. A meeting for the Planning Commission is defined as any meeting with any four of the Commissioners together meeting and discussing city business. Four people are a quorum. A meeting agenda has to be posted 24 hours in advance on the state public notice website, the city website, and a couple of other places. All other committees the city has, these rules apply to them as well.

There are provisions to deal with social meetings or chance meetings. They can still happen, it is important to remember that city business is not discussed. Mr. Crane used the newspaper test as an example. Names can be mentioned in the paper and the parties were talking about a certain city issue; this is what we want to avoid.

There can be closed meetings. The Planning Commission does not generally hold closed meetings. They are usually held by the City Council for purposes to discuss an individual, something to do with bargaining, pending litigation, property values, and other things of this nature.

Minutes for public meetings are required. They are recorded and written. The written ones are the official record. Mr. Crane explained this is why it is so important to make very clear statements during the meetings; especially relating to motions. The official records are what will be used in court if a case ever goes into litigation. Members of the public may record a public meeting as long as it is not disruptive to others. They can also request a copy of our recording.

Grama, this is the Government Records Access Management Act, this means the public is entitled to access any government record that is not private, controlled, or protected. Protected is basically attorney privilege type of stuff. Record is a book, record, document, map, just about anything that is prepared owned, received or retained by a government entity. Mr. Crane said a problem people run in to is email. If an email is sent to a Commissioner by Mr. Crane, that becomes subject under the Grama rules. Research gathered on a city computer is subject to Grama rules. City related material created on private computers may be subject to Grama; unless it can be established as a private correspondence. From a Commissioner to a sibling, or something of that nature, would be considered private correspondence. Commissioner Temby asked if it would be better to have a separate email for correspondence for items relating to city business. Mr. Crane said that would probably be a good idea to be able to distinguish what is personal and what is not.

Commissioner Temby asked if the City notifies the Commission or parties involved if something does arise involving litigation. Mr. Crane said that the Commissioners would be notified if they were affected. Mr. Crane explained that the Commission would run into trouble if they were corresponding saying a vote needs to go a certain way.

Mr. Crane explained that four Commissioners are necessary to form a quorum and all members would have to vote. Roll calls are only required for ordinances. Anything else can be done by an all in favor type of vote. Roll calls are helpful though because it is clear who did what. Mr. Crane said one thing that he likes especially in dealing with administrative and legislative items is to explain a vote; mostly negative votes.

Mr. Crane explained that the agenda is the guide for the agenda. Items not on the agenda can come up for discussion, but there cannot be final action on them. The chair conducts the meeting. Everyone needs to be treated with respect, including residents and speakers.

C. APPROVAL OF MEETING MINUTES FOR JANUARY 24, 2012 - REGULAR MEETING

MOTION: Commissioner Day moved to approve the Meeting Minutes for January 24, 2012 as amended. Motion seconded by Commissioner Heyrend. Unanimous vote, motion carried.

D. PLANNING STAFF REPORT

- Recent City Council Actions

Mr. Crane indicated there were no items that have been forwarded from the Planning Commission to the City Council that they have acted on.

- Planning Commission Rules of Procedure

This is an upcoming item. Mr. Crane stated that one of the things that is important and the Council has discussed a little bit is when we are dealing with amendments and we have requests come in is who is the applicant, who is responsible. The question becomes what process do they go through. **With tonight's item, it was specific to just chickens, but it could have been do we need to look at medium sized animals as well**

and expand this item. Mr. Crane said this is something that we need to talk about because it affects how we do business; are we wide open and we will do whatever or is there a process that everybody needs to follow to do that. Mr. Crane said this is just something we need to think about and can discuss later. He said that the reason this is important is because of our staffing situation, we have workloads and if we are changing things at each turn, staff cannot get to the important stuff. Mr. Crane also indicated there is a legal and transparent process that he has to go through, so we need to make sure that we are going through the proper steps.

E. ADJOURNMENT

MOTION: Commissioner Roundy moved to adjourn. Motion was seconded by Commissioner Carruth. Unanimous vote, motion carried.

Meeting adjourned at [9:46:23 PM](#).