

# Highland City Planning Commission

## July 9, 2013

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Chris Kemp, at 7:02 p.m. on July 9, 2013. An invocation was offered by Commissioner Roundy. Commissioner Kemp led those assembled in the Pledge of Allegiance.

**PRESENT:** Commissioner: Chris Kemp  
Commissioner: Tim Heyrend  
Commissioner: Sherry Carruth  
Commissioner: Steve Rock  
Commissioner: Jay Roundy

**EXCUSED:** Commissioner: Scott Temby  
Commissioner: Abe Day

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Treasurer: Jill Ballamis  
Secretary: Sam Smith

### **OTHERS:**

#### **A. APPEARANCES**

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

#### **B. WITHDRAWALS AND CONTINUANCES**

#### **C. PUBLIC HEARING AND LEGISLATIVE ACTION**

1. TA-13-05 The Highland City Council is requesting to amend Chapter 6 Guarantee of Performance of the Highland City Development Code relating to the requirements for public improvement performance guarantees. *Legislative*.

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Commissioner Kemp opened the public hearing.

Nathan Crane reviewed the proposed amendment. He explained that the purpose of this amendment is to clean up selected existing regulations in the Development Code. In 2008, the City Council approved an amendment requiring the use of cash escrow bonds for public improvements for commercial or subdivision site plans. There are some issues that remained unresolved.

Public improvements are defined as water and sewer lines, pressurized irrigation, landscaping in streets, right away (if applicable), street, curb, gutter, street lights, etc.

A performance guarantee is to ensure the work will be completed by the developer. If the work is not completed the guarantee provides a resource to draw funds from to complete the work.

1 Mr. Crane explained that there are two ways to accomplish the performance guarantee; escrow or  
2 performance bonds. A cash escrow bond is when cash is put in an account where it is physically  
3 present and usable upon need. Performance bonds are similar to insurance policies. The policy is  
4 bought and drawn from if needed. Cash bonds are a better option for the City if a project fell through;  
5 the City would then not have to pay for the improvements.  
6

7 Mr. Crane explained there are several amendments to reflect the current changes in state law that  
8 happened this past legislative session. The amount that can be held was reduced from 20% to 10%.  
9 Several sections are affected by this change in state law. No comments the public or staff have been  
10 received concerning this request.  
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12 Commissioner Kemp asked for comments from the public. Seeing none Commissioner Kemp closed  
13 the public hearing.  
14

15 Commissioner Roundy asked for clarification on how long the City can retain the 10% from “the time  
16 of acceptance.”  
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18 Mr. Crane explained that the 10% is kept one year after completion of the project. There are a series of  
19 inspections that occur during that year. If there are improvements needed, the funds come from the  
20 10% reserve. The term “time of acceptance” is put in place at the time the City signs off following the  
21 completion of the project. It is at that time the one year begins.  
22

23 Commissioner Roundy asks for clarification on “suspect soil.”  
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25 Mr. Crane explains that “suspect soil” is defined by the state as unstable soils that the potential for  
26 liquefaction.  
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30 Commissioner Rock asked for clarification on how the 110% is distributed and where it comes from.  
31

32 Mr. Crane explained that initially 110% of the project funds are placed in a bank account. As projects  
33 along the way are completed the amount for that project is taken out to cover that specific cost. It is  
34 only the 10% that remains for the year following completion of the project as a whole. The 10% serves  
35 as a warranty/security to the City. Typically the developer will provide the 110%; the important thing is  
36 that it is in the bank, rather than who put it there.  
37

38 Commissioners Roundy asked for clarification on the meaning of “reasonable time” in relation to the  
39 projects that may be in progress at that time. It seems as though each engineer is going to give a  
40 different estimate for each job and there could be large differences in bids.  
41

42 Mr. Crane explained that the bids are submitted and reviewed. If the City Engineer does not agree with  
43 the bid they will require another one. He is familiar with the cost of constructing these improvements.  
44 A negotiation may take place until an agreement is made on the cost. The term “reasonable time” is  
45 worded as such to allow for unforeseen circumstances that may arise. This allows ample and flexible  
46 time to address the situations as they arise.  
47

48 Commissioner Kemp closed the public hearing.  
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50 [7:18:26 PM](#)  
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52 **MOTION: Commissioner Roundy moved that the Planning Commission accepts the findings and**  
53 **recommend APPROVAL of the amendment to Chapter 6 Guarantee of Performance of the**  
54 **Highland City Development Code relating to the requirements for public improvement**  
55 **performance guarantees. Seconded by Commissioner Rock. Unanimous vote, motion carried.**

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- 2. TA-13-07 Highland City is requesting to amend Section 3-706 of the Highland City Development Code to allow one unlit monument sign not to exceed a total of four (4) feet in height and twenty (20) square feet in size for Funeral Homes. *Legislative.*

Commissioner Kemp opened public hearing.

Mr. Crane explained that this amendment is in in regards to the funeral home sign ordinance to allow them to have a monument sign. Funeral homes are permitted under a Conditional Use Permit in the R-1-40 district if adjacent to an arterial street i.e. SR92, 100 East, North County Boulevard. The Anderson Funeral home is nearing completion and they desire a sign. Previously, the City code does not address a sign in such instances. The goal is to adopt the assisted living sign code to the funeral home code. This would be a sign four feet in height, 20 square feet in area, designed to integrate with the residential non-lit, landscaping, allows for the site to be identified but also fits in with the residential area.

Commissioner Kemp inquired about the unlit stipulation.

Mr. Crane explained that in a residential area, constant lighting during the night could prove to be problematic. It should look and appear like a residence. It is a compatibility issue. "Unlit" is defined as lights from within the sign are prohibited.

Commissioner Kemp opened public hearing. Hearing no comments from public, the public hearing is closed.

Commissioner Kemp requested comments from other Commissioners.

Commissioner Roundy understands the need to comply with R-1-40 requirements as well as the funeral home wanting a sign. Commissioner Roundy agrees with the proposed amendment.

**MOTION: Commissioner Rock moved that the Planning Commission accept the findings and recommend APPROVAL of the amendment allowing for a monument sign for funeral homes. Seconded by Commissioner Roundy. Unanimous vote, motion carried.**

**D. OTHER BUSINESS**

No other business items for discussion.

**E. APPROVAL OF MINUTES FOR JUNE 11, 2013 – REGULAR MEETING**

**MOTION: Commissioner Roundy moved to approve the Meeting Minutes for June 11, 2013. Motion seconded by Commissioner Rock. Unanimous vote, motion carried.**

**F. COMMISSIONERS COMMENTS AND SUGGESTIONS**

**G. PLANNING STAFF REPORT**

Review of Recent City Council Actions

- The preliminary plat for the Timp Cove subdivision was approved by City Council.
- The Council approved another phase in Beacon Hill; plat C which would include approximately twenty five lots.

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- The Council approved the increase of accessory building size from 5% to 7%. Mr. Crane indicated that the Council would like staff and the Commission to look in the future at changing the accessory structure percentage in the R-1-40 zone as well.
- Planning Commission Chair & Vice Chair Elections

Chair and Vice Chair elections are done each July per the Development Code standards. A nomination was made to keep Commissioner Kemp as Chair and Commissioner Heyrend as Vice Chair. There was unanimous agreement on the nomination The Chair and Vice Chair positions will remain the same.

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**ADJOURNMENT**

[7:37:16 PM](#)

**MOTION: Commissioner Kemp moved to adjourn. Motion seconded by Commissioner Temby. Unanimous vote, motion carried.**

**Meeting adjourned at [7:37:26 PM](#).**

