



**HIGHLAND CITY**


**HIGHLAND CITY PLANNING COMMISSION MINUTES**

**Tuesday, May 23, 2023**  
**Approved June 27, 2023**

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

**VIRTUAL PARTICIPATION**

 YouTube Live: <http://bit.ly/HC-youtube>

 Email comments prior to meeting: [planningcommission@highlandcity.org](mailto:planningcommission@highlandcity.org)

**7:00 PM REGULAR SESSION**

- Call to Order – Audrey Moore, Chair
- Invocation – Commissioner Trent Thayn
- Pledge of Allegiance – Commissioner Chris Dayton

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:02 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Trent Thayn and those in attendance were led in the Pledge of Allegiance by Commissioner Chris Dayton.

**PRESIDING:** Commissioner Audrey Moore

**COMMISSIONERS**

**PRESENT:** Claude Jones, Jerry Abbott, Audrey Moore, Trent Thayn, Chris Dayton, and Debra Maughan

**CITY STAFF PRESENT:** City Planner and GIS Analyst Kellie Smith, City, Assistant City Administrator and Community Development Director Jay Baughman, and Planning Commission Secretary substitute Gretchen Homer

**OTHERS PRESENT:** Doug Cortney, Shaun Athey

**1. UNSCHEDULED PUBLIC APPEARANCES**

Please limit comments to three minutes per person. Please state your name.

Commissioner Audrey Moore asked if anyone had anything to present. No one came forward.

**2. CONSENT ITEMS**

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. **Approval of Meeting Minutes** *General City Management – Gretchen Homer substitute, Planning Commission Secretary*  
Regular Planning Commission Meeting – April 25, 2023

*Commissioner Trent Thayne MOVED to approve the April 25, 2023 minutes. Commissioner Audrey Moore SECONDED the motion. All present were in favor. The motion carried unanimously.*

**3. PUBLIC HEARING/ORDINANCE: GENERAL PLAN AMENDMENT – PARKWAY DETAIL** *Land Use (Legislative) – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by City Staff to amend the parkway detail of the Transportation Element in the General Plan to require that it be xeriscape, and also update parkway detail regulations relating to drainage, fence height, and setbacks. The Planning Commission will take appropriate action.

Commissioner Moore began by stating General Plan Amendment – Parkway Detail Land Use (Legislative), she then turned the time over to Kellie Smith for overview.

City planner Kellie Smith reminded commissioners that this is a General Plan Amendment, which is legislative, the Planning Commission has full rights to approve or deny or make changes before it is sent to the City Council. Background information was given about when the General Plan was adopted in 2008 and that there are things associated with the parkway detail like slopes and fence height measurements that were not addressed in 2008. It is requested that the Planning Commission hold a public hearing, accept the findings and recommend APPROVAL of the proposed General Plan amendment updating parkway detail requirements. City Planner Kellie Smith summarized what would be in the amendment:

- Xeriscaping required (25% plant coverage);
- Removes planter requirement;
- Removes 2' tall berms;
- Theme wall height measured from sidewalk elevation;
- 2% slope (cross section added);
- Site triangle added;
- Drip system for landscaping;
- Setback details for fencing

City Planner Kellie Smith went through the findings of the proposed amendment outlined in the staff report and recommended approval of the amendment:

Commissioner Moore opened the public hearing at 7:12 PM and called for public comment. Hearing none, she closed the public hearing at 7:12 PM and asked for additional discussion.

Commissioner Thayne asked if these requirements would only be for new development. City Planner Kelly Smith explained that this will be enforceable with new developments or we can go back and fix the parkway details we already own and take care of.

Commissioner Abbott had a concern about the sight triangle and why the requirement that nothing be taller than 3 feet. City Planner Kellie Smith clarified that 3 feet is the standard.

Commissioner Moore closed the comments.

Commissioner Jerry Abbott *MOVED* that the Planning Commission recommend *APPROVAL* of the proposed amendment to the Transportation Element of the General Plan to require that it be xeriscape, and also update parkway detail regulations relating to drainage, fence height, and setbacks.

Commissioner Trent Thayn *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Claude Jones	Yes
Commissioner Jerry Abbott	Yes
Commissioner Christopher Howden	Absent
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes
Commissioner Tracy Hill	Absent
Commissioner Debra Maughan	Yes
Commissioner Jay Roundy	Absent
Commissioner Chris Dayton	Yes

Motion carried 6:0

**4. ACTION: ANNEXATION - PHYLLIS SMITH** *Land Use (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold consider a request by Shaun Athey, representing Phyllis and Trent Smith, to annex approximately 1.13 acres of property located at 7015 W 9600 N. The Planning Commission will take appropriate action.

Commissioner Moore opened the Annexation – Phyllis Smith item and turned time over to City Planner Kellie Smith

City Planner Kellie Smith showed a map of where the proposed property is located.

City Planner Kellie Smith explained that annexations are legislative decisions; the Planning Commission can recommend requirements, deny or approve. Not all annexations come to the planning commission, but because they would like to have some improvements associated with the property be different from what the Development Code requires, it has to come to the Planning Commission. The Staff report includes all the city’s recommendations minus the one exception that the City Council recommended.

City Planner Kellie Smith went through the annexation process. The City Council approved the resolution of intent on March 21, 2023. After the Planning Commission makes a recommendation on the application, the City Council will consider the request with a public hearing. Staff would then move forward with an annexation agreement to be approved by the City Council.

City Planner Kellie Smith explained that the applicant, Shaun Athey representing Phyllis Smith, is requesting to annex approximately 1.13 acres of property located at 7015 W 9600 N. The request is that the property be zoned R-1-20. The applicant is also requesting that the City agree to allow the applicant to subdivide the property into two (2) lots and allow for the subdivision without the typical road improvements on the Highland City parcel east of the subject property. There is an existing 11’-wide asphalt drive that the applicant would like to keep in place. The applicant would bring the sewer, culinary, and pressurized irrigation water lines down the Highland City parcel for the future house on the second lot.

The proposed property is in the Highland City Annexation Policy Plan and planned to be zoned R-1-20. There is not enough road frontage to subdivide the property into 2 lots, so the applicant has requested that the city-owned parcel to the east count as road frontage.

City Planner Kellie Smith went through all of the typical utility requirements and impact fees for a 2-lot subdivision on the subject parcel as explained in the staff report.

Commissioner Moore opened to public comment.

Commissioner Abbott asked for clarification on what has been done on the Highland parcel. He also wanted to clarify what was in the variance which included putting curb and sidewalk along 9600 N, but not all along the side of the property going towards the Miners. Mr. Athey explained that the Miners added asphalt 5 or so years ago at their own cost. It is being used by the Miners and the home to the east.

Commissioner Thayn asked how wide the city access drive was. Mr. Athey said 11 feet wide. City Planner Smith clarified that the Highland parcel is 54.5'. Part of the annexation would be a requirement that Ms. Smith would be required to dedicate 1.5' south of the home to Highland City to meet our 56' road right of way code. Mr. Athey was asking not to have that included as the existing fence is on that 1.5' piece of property.

Commissioner Abbott asked about access for public safety and utilities. City Planner Smith explained that the Miner's property is a lot lower than Phyllis's property. As far as storm drain and sewer, City Planner Smith could not say how they will be affected until civil engineering is completed for the property, but there will be the minimum amount of road with the 56' right of way for public safety.

Commissioner Abbott wanted to know if Ms. Smith will take care of her side and will the Miners take care of the other part. City Planner Smith said that there are no great records on the annexation of the Miner's property. We only have the minutes from the 1988 City Council meeting. There is no annexation agreement, but minutes say they would make improvements if they choose to subdivide. The road on the east side of Ms. Smith's property was dedicated for that purpose, and hence dedicated to the City. Mr. Athey stated that the Smith's don't feel like they should have to develop the road as they are not trying to subdivide to sell. The Miners are not objecting to the annexation but do support all the upgrades of public improvements that are supposed to happen with a new home as stated in the Highland City Code. Commissioner Moore asked if the homeowner to the east knows that they are using Highland City property to access their property. City Planner Smith didn't know, but stated this property does have the road frontage to their property from 9600 N.

City Planner Smith explained that the only way Ms. Smith can subdivide is to be annexed into Highland City. If the property stays in Utah County, they will not be able to subdivide. Commissioner Thayn was wondering that if Ms. Smith is applying because of hardship, developing is expensive and was wondering where she was getting help. It was said that her son-in-law was planning on helping with the finances.

Commissioner Thayn asked if it was normal to do the annexation and ask about the improvements. City Planner Smith explained that we are setting up the terms for the annexation to make sure it would work per City code. It was suggested that a concept drawing with what is wanted, the variances that are being requested, and what is going to be split between the Smiths and the Miners be shown on that concept drawing. Commissioner Thayn questioned how we can make sure it all gets done. City Planner Smith explained that staff thought about the idea of requiring a bond for the public improvements at the time of annexation, but then the applicant would need civil drawings and an approved engineer's estimate. Staff thought that was a little too much to require at this stage.

*Commissioner Trent Thayn MOVED that the Planning Commission recommend APPROVAL of the proposed annexation and require that a concept plan showing all public improvements be included in the annexation*

agreement, and include the Council's recommendation of only requiring the 20 feet of asphalt rather than the standard 27 feet, and that all other improvements be compliant with Highland City Code.

Commissioner Jerry Abbott *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Chris Dayton	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Absent
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Absent
Commissioner Trent Thayn	Yes
Commissioner Debra Maughan	Yes

Motion carried 6:0

## **5. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS**

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

### **a. Future Meetings**

- June 6, City Council, 7:00 pm, City Hall
- June 20, City Council, 7:00 pm, City Hall
- June 27, Planning Commission, 7:00 pm, City Hall
- July 18, City Council, 7:00 pm, City Hall

Commissioner Moore asked about the Dry Creek reservoir we share with Lehi. No one really had answers. The Commissioners were directed to Larry Mendenhall and the Lehi City website. The agenda for the Highland Fling was brought up, again didn't have access to the schedule. Commissioner Thayn talked about the Highland budget meeting. The big question was about the open space tax being removed and questions about it.

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

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

## **ADJOURNMENT**

Commissioner Maughan moved to adjourn the meeting. Commissioner Abbott seconded the motion. All were in favor.

The meeting ended at 8:25 PM.

I, Gretchen Homer, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 23, 2023. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Gretchen Homer

**Welcome to the Highland  
Planning Commission Meeting  
May 23, 2023**

**Please Sign the Attendance Sheet**




1



**7:00 PM REGULAR SESSION**

Call to Order – Audrey Moore, Chair  
Invocation – Commissioner Trent Thayn  
Pledge of Allegiance – Commissioner Chris Howden

2



**UNSCHEDULED PUBLIC APPEARANCES**

Time set aside for the public to express their ideas and comments on non-agenda items.

- Please state your name clearly.
- Limit your comments to three (3) minutes.

3

**CONSENT ITEMS**

---

2a. Approval of Meeting Minutes: April 25, 2023 *General City Management*

4



**GENERAL PLAN AMENDMENT –  
PARKWAY DETAIL *Land Use (Legislative)***

Item 3 – Public Hearing  
Presented by – Kellie Smith  
Planner & GIS Analyst

5

**Staff Recommendation**

---

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed General Plan amendment updating parkway detail requirements.

6

### Prior Council Direction

- April 18<sup>th</sup> City Council – communication item relating to storm drainage and updating the parkway detail
- May 16<sup>th</sup> – The City Council approved an ordinance in the Development Code requiring the following:
  - Fencing or walls associated with the Parkway Detail or other fencing directly adjacent to public property along public rights-of-way shall be set such that drainage flows at a minimum of 2-percent slope from the base of the fence perpendicularly to the curb and gutter on the adjacent public right-of-way.

7

8

### GP Amendment

- Xeriscaping required (25% plant coverage)
- Removes planter requirement
- Removes 2' tall berms
- Theme wall height measured from sidewalk elevation
- 2% slope (cross section added)
- Site triangle added
- Drip system for landscaping
- Setback details for fencing

9

### Citizen Participation

- Public Hearing Noticing
  - State and City Websites
  - 3 public places
  - Mailed to affected entities
- 1 comment received.

10

### Findings

1. It is consistent with the current practices and desires of the Engineering and Public Works Departments.
2. It conforms to state law requirements regarding drainage.
3. The slope and fencing requirements are consistent with existing requirements in the Development Code.
4. The change to requiring xeriscape supports the City's efforts to be more water efficient and matches the requirement that all new park strips be xeriscape per the Council's earlier approval.

11

### Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed amendment to the Transportation Element of the General Plan to require that it be xeriscape, and also update parkway detail regulations relating to drainage, fence height, and setbacks.

12



## ANNEXATION - PHYLLIS SMITH *Land Use (Legislative)*

Item 4 - Action  
Presented by - Kellie Smith  
Planner & GIS Analyst

13

## Vicinity Map



14

## Staff Recommendation

The decision to annex and under what circumstances are legislative decisions. Because the City Council has directed staff to allow for an exception to a typical Development Code requirement, the Planning Commission must review the application and give a recommendation to the City Council before the City Council can approve or deny the annexation.

The Planning Commission and City Council have complete discretion in making these decisions. Staff recommends the Planning Commission consider the staff analysis and potential impacts from not requiring the City's standard regulations. After considering these issues, Staff recommends the Planning Commission recommend **APPROVAL** of the request to annex with any stipulations and/or exceptions from City standard that the Planning Commission decides to allow.

15

## Process

- Resolution of intent (March 21, 2023)
- Planning Commission Recommendation
  - This is only required when the request involves changes from code requirements
- Council Action (approval or denial) w/Public hearing
- Annexation Agreement

16

## Prior Council Direction

- December 6, 2022 – Communication Item
  - Councilmembers expressed differing opinions on either being willing to waive public improvement requirements and needing more time to make a decision.
- March 21, 2023 – Resolution of Intent
  - The City Council approved the resolution of intent, and as part of that only require 20' of road with all curb, gutter, sidewalk improvements, and all other requirements by code.

17

## Summary of the Request

- 1.13 acres
- Proposed to be zoned R-1-20
- Requesting to use the City-owned parcel as road frontage to be able to subdivide into 2 lots.
- The applicant would bring the needed utilities down to the south lot. They are requesting to keep the existing private lane (11' of asphalt) as is.

18



### Highland City Annexation Policy Plan

- This property is in the expansion area
- Planned to be zoned R-1-20
- To subdivide, the property has enough square footage, but not enough road frontage
  - The applicant has requested that the city-owned parcel to the east count as road frontage

19

### Utility Requirements for Existing Home

- If the applicant decides to connect the existing home to Culinary, they must also connect to PI
  - The applicant may however connect to PI without having to connect to culinary
- Applicant shall bear all costs for extension and connection of any utilities if such connections are required or requested. All work and connections shall conform to City Code requirements

20

### Subd. Public Improvement Requirements - Utilities

- **Culinary** – culinary shares not needed; water line to be extended down to service the new lot; meter fees required with the building permit
- **Pressurized Irrigation** – water share dedication; required to connect both lots to PI; impact fees
- **Sewer** – required to connect both lots to city sewer; will need to pay all applicable impact fees (city sewer & TSSD)
- **Storm Drain** – improvements based on percolation rates; provided by the subdivider with the civil plan application

21

### Subd. Public Improvements - Street

- 9600 N
  - ROW dedication + curb, gutter, sidewalk, and additional asphalt as needed
  - **Lehi Irrigation** – abandoned ditch on west side of property; will need to be removed and filled as required by Lehi Irrigation
- Highland City Parcel
  - Half-street improvements + 10' of asphalt along the portion that abuts the Smith's property; proposed additional sidewalk requirement along future cul-de-sac
  - Dedication –to be included in subdivision plat; additional 1.5' be dedicated to meet standard 56' (south of the home); also propose to require additional ROW for future cul-de-sac

22

### Annexation Public Improvement Requirements

- Staff is proposing the applicant be required to complete the 9600 N improvements with the subdivision or within **4 years** (whichever occurs first). If the applicant does not subdivide nor complete the 9600 N improvements within that time, the City shall be entitled to withhold any land use approval related to the property until the 9600 improvements are completed (Section 2.4.1 in the agreement).
- Lehi Irrigation – abandoned ditch on west side of property; will need to be removed and filled as required by Lehi Irrigation

23

### Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed annexation subject to the following: (The Commission will need to draft appropriate stipulations and/or exceptions to Code to include in the annexation agreement).

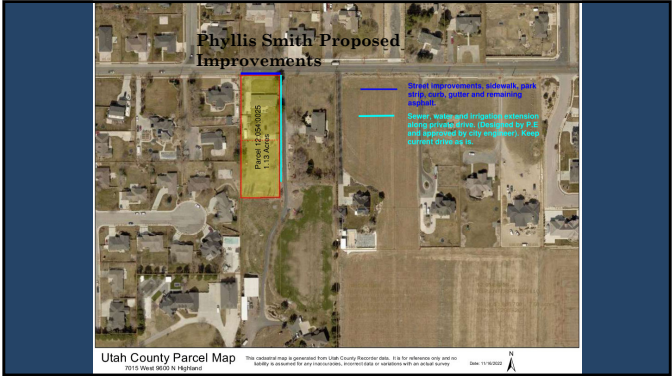
24

Motion to Recommend Denial

---

I move that the Planning Commission recommend **DENIAL** of the proposed annexation.

25



26



**PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS**

**a. Future Meetings**

- June 6, City Council, 7:00 pm, City Hall
- June 20, City Council, 7:00 pm, City Hall
- June 27, Planning Commission, 7:00 pm, City Hall
- July 18, City Council, 7:00 pm, City Hall

27