

Minutes of the **Work Session** of the **Planning Commission** held Thursday, **January 7, 2016**, at 5:30 p.m. at the Lehi City Administration Building, 153 North 100 East, Lehi, Utah.

Members Present: Janys Hutchings, Chair
Kelly Ash, Commissioner
Donna Barnes, Commissioner
Scott Dean, Commissioner
Mark Hampton, Commissioner
Matt Hemmert, Commissioner
Jared Peterson, Commissioner
Steve Roll, Commissioner

Others Present: Kim Struthers, Planning Director, Tippe Morlan, City Planner, Ross Dinsdale, Engineer, Morgan Cummings, Assistant City Attorney; Teisha Wilson, Deputy Recorder; and 5 citizens.

1. Election of Chair and Vice Chair for 2016

Chair Hutchings asked for nominations for a Chair for the 2016 year. Commissioner Roll was nominated. There were no other nominations for Chair.

Motion: Commissioner Dean moved to elect Commissioner Roll as Chair for 2016. Motion was seconded by Commissioner Barnes.

Motion passed unanimously.

Chair Roll asked for nominations for the Vice Chair. Commissioner Barnes was nominated for Vice Chair. There were no other nominations.

Motion: Commissioner Dean moved to elect Commissioner Barnes for Vice Chair for the 2016 year. Motion was seconded by Commissioner Hampton

Motion passed unanimously.

2. Review and acceptance of Planning Commission By-Laws.

Chair Roll inquired if anyone had any suggested changes to the By-Laws.

Motion: Commissioner Hutchings moved to approve the Planning Commission By-Laws for 2016. Motion was seconded by Commissioner Barnes.

Motion passed unanimously.

3. Discussion and review of amendments to Group Home regulations to keep the code up to date with state and federal fair housing laws.

50 Tippe Morlan, City Planner, distributed a new red line version of the group home regulations.
51 Ms. Morlan stated that they decided to strike out the definition of elderly persons, because
52 the Fair Housing Act covers that. She also said that anything greater than 4, or greater than 8
53 if they qualify for reasonable accommodations with a disability, qualifies as an assisted living
54 facility.

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56 Commissioner Hutchings inquired about the table of uses and whether or not this would be in
57 conflict with other sections of our code if it's allowed in light industrial. Ms. Morlan stated
58 that they could take the group homes out of light industrial.

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60 Commissioner Barnes inquired if there were any group homes currently in Lehi. Mr.
61 Struthers stated that he is not aware of any.

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63 Ms. Morlan informed the Commission that they are making these updates to comply with the
64 new Federal Housing Act. She said that the biggest issue faced by cities is determining the
65 number of people allowed in group homes. Her research found that 8 permanent occupants,
66 or residents, was considered to be effective for group therapy.

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68 Commissioner Hemmert inquired how that number benchmarks with other cities in the area.
69 Ms. Morlan replied that the cities she looked at used 8, including Alpine City.

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71 Kim Struthers, Planning Director stated that this change revolves around non-discrimination.

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73 There was discussion regarding proper supervision for group homes. Morgan Cummings,
74 Assistant City Attorney, stated that any issues or complaints with supervision at these homes
75 would be brought to the City's Code Enforcement Committee. He said that the Development
76 Review Committee can also suggest changes to the applicant and if they are not compliant,
77 then their permit can be taken away.

78
79 There was discussion regarding the light industrial zone, SOBs, and any conflicts that might
80 arise with group homes being allowing in the light industrial zone. It was determined that
81 there would be no conflict.

82 83 **4. Discussion and review of draft electronic billboard regulations.**

84 Mr. Struthers proceeded to review the changes made to the draft electronic billboard
85 regulations. He stated that they are only allowing conversions to current billboard signs. He
86 also reviewed the application process.

87
88 Mr. Struthers stated that they are proposing an overlay zone that would allow minimal impact
89 to residential areas. Commissioner Dean suggested making a legal description or adding mile
90 marker posts on the overlay map to better define the area.

91
92 Mr. Cummings suggested changing the verbiage regarding the due process rights if a sign
93 were found to not be in compliance. The Commission agreed that this should be considered
94 in the changes.

95
96 Mr. Struthers stated that the City Council expressed concern with the 8 second interval to
97 change the digital signs. He said they felt that was too frequent, so they are suggesting a 16
98 second interval. Chair Roll feels that they should stay with the industry standard of 8 or 10

99 seconds. Commissioner Hutchings expressed concern with the terrain over the point of the
100 mountain and feels like that should be considered when determining the allowed interval
101 time. Mr. Struthers stated that he has received feedback that the sign changing causes a
102 distraction. Commissioner Hemmert and Commissioner Barnes agreed with Chair Roll that
103 the industry standard should be followed with regards to the intervals. Commissioner Dean
104 felt that there should be more consideration if the city is to allow the intervals at 8 seconds,
105 then they should get something in return, such as less billboard signs. Mr. Cummings
106 expressed concerns with an interstate commerce issue when setting limits to the hold time.
107 Jared Johnson, with YESCO, also expressed concern with arbitrarily setting hold times
108 against the Federal recommendations. Wade Budge, with Top Ad Media, said that
109 implementing longer hold times would create an unnecessary burden of dealing with
110 different patchwork operations across the state and it would dis-incentivize the billboard
111 industry to work with cities in a way that they would like to, which is cooperatively.
112 Commissioner Peterson agrees with following the Utah State standard of an 8 second hold
113 time. Commissioner Hutchings expressed concern with the 8 second hold time near the point
114 of the mountain. She believes it's a distraction and a hazard, especially with the construction.
115 Commissioner Ash does not believe the shorter hold time will create a hazard. He believes
116 that the only reason to extent the hold time would be for the residents' benefit.

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118 There was discussion regarding the limits of color within the signs. Mr. Johnson informed the
119 Commission that the industry follows a design policy that would not allow an all white
120 background. He said that other solid colors would be required to follow the brightness
121 standard. Mr. Cummings expressed legal concerns with setting standards for content which
122 includes color. He said we could focus on brightness rather than color.

123
124 There was discussion regarding 2.h Static Display, and if an image should be complete
125 within itself, or if the content may be allowed to continue to the next image or message or
126 other sign. The sign industry representatives that were present did not have any concerns
127 with the images being complete within themselves.

128
129 Commissioner Dean inquired about the spacing requirement and how this code may prevent
130 future on-premise signs. There was discussion and concern regarding the unintended
131 consequence of the spacing requirement that may prohibit on-premise signs. Mr. Budge
132 stated that they don't like on-premise spacing to determine off-premise spacing for two
133 reasons. He said one, being the unintended consequences that are negative and would limit
134 property owners from placing on-premise signs to advertise their businesses, and two, trying
135 to limit the off-premise signs based on spacing of on-premise signs can be legally challenged.
136 There was discussion regarding the on-premise signs that will still be allowed under 48
137 square feet in size. It was determined to leave the provision as is.

138
139 There was discussion regarding the provision that the manufacture require that the buyer of
140 the product will stay within the legal 0.3 footcandles requirement. It was determined that this
141 language will be rewritten because a manufacture can't ensure that the buyer will follow the
142 code.

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144 There was discussion regarding the photometric plan and what that means. Mr. Johnson
145 suggested making a few changes to this section that would include taking measurements after
146 the sign is installed as a final sign off on the building permit. He said if it doesn't meet the
147 requirements then the sign would be turned off until it does.

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Nate Seacrest, with Regan Signs, expressed concerns with the Curfew Section regarding the 400 feet requirement. He feels that if the sign is not pointing towards a house then there's really no harm being done. There was discussion about adding language that includes that this would only apply to areas that the signs are "oriented towards". It was suggested that a graphic be included to clarify what "oriented towards" means.

There was discussion regarding future development near the sign and how that may impose a curfew on an existing signs. Mr. Cummings expressed concerns with allowing the code to state that a curfew may be imposed on a sign as development occurs, but he felt comfortable leaving the curfew in for everything that's currently zoned residential. Mr. Struthers stated that the city controls the overlay areas, so it may be better to address the concerns that way. Chair Roll stated that we may include that the signs may be subject to the curfew in the area of concern. There was discussion regarding conditional use and regulation.

There was discussion regarding the interior sign angle. Mr. Johnson expressed concerns with the angle and that it seems arbitrary. Commissioner Hutchings inquired about where the 35 degrees number came from. Mr. Struthers replied that it came from the current on-premise sign ordinance. There was further discussion regarding the sign angle. It was determined that Mr. Struthers stated that he could add language that states "unless otherwise approved as part of a conditional use permit".

Mr. Seacrest stated that requiring the sign companies to register with a program to participate in displaying Amber alert messages may be considered regulating content and therefore would be unconstitutional. He said that all the sign companies voluntarily participate in the program.

Mr. Johnson provided information on how the Amber alert system works. Mr. Cummings believes that most judges would not find Amber Alert regulations to be unconstitutional. Mr. Budge believes that is correct. Commissioner Hutchings suggested added that they are "encouraged" to participate in the Amber Alert system.

Mr. Struthers stated that the exception is a 2 for 1 square foot by square foot trade if someone was willing to take down signage, then they would reduce the spacing requirement to 800 feet.

Mr. Budge stated that he has concerns with the spacing requirements and how it will create a race to be the first company to file an application with the city. There was discussion regarding the spacing and overlay requirements and how it will prohibit the conversion of many of the signs. Mr. Seacrest stated that the strict spacing and overlay requirements creates a fight amongst the sign companies and often cities get dragged into it. Commissioner Barnes inquired how the proposed sign ordinance compares to other cities in the state in regards to the restrictions. Mr. Seacrest replied that Lehi would be imposing one of the highest restrictions. Commissioner Hutchings stated that Lehi would be highly impacted by the EDS signs because there are many residential zones along the I-15 corridor. Mr. Budge stated that most cities will either impose a spacing requirement or have an overlay zone, but not both.

195 Mr. Dinsdale suggested that because we have an overlay zone, then maybe the spacing
196 requirement could be less. There was discussion regarding how many signs could be
197 converted if the spacing requirement was lessened.

198
199 Commissioner Dean suggested giving the option to sign companies that they may relocate
200 their signs to ensure proper spacing, and to have less signs, but this may cause more
201 conversions. Mr. Seacrest said that he could suggest some language to add that may
202 accommodate that. The Commission agreed to look at that. Chair Roll stated that he would
203 like to reduce the density of billboards by allowing the signs to be relocated.

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205 **5. Adjournment**
206 With no further business to come before the Planning Commission at this time,
207 Commissioner Hutchings moved to adjourn the meeting. Commissioner Barnes seconded the
208 motion. The motion passed unanimously. The meeting adjourned at approximately 8:03
209 p.m.

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214 Approved: January 28, 2016 Attest:

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Steve Roll, Chairman Teisha Wilson, Deputy City Recorder