



HIGHLAND PLANNING COMMISSION MINUTES

Tuesday, September 24, 2024

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

Approved October 22, 2024

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order: Chair Audrey Moore

Invocation: Commissioner Trent Thayn

Pledge of Allegiance: Commissioner Christopher Howden

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:00 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 Thayn and those in attendance were led in the Pledge of Allegiance by Commissioner Howden.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Jerry Abbott, Christopher Howden, Claude Jones, Sherry Kramer, Trent Thayn, Wesley Warren

CITY STAFF PRESENT: Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Coordinator Rob Patterson, Deputy Recorder Heather White

OTHERS PRESENT: Jon Hart, Liz Rice, Doug Courtney, Scott Smith

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion. Items on the consent agenda may be pulled for separate consideration.

- a. **Approval of Meeting Minutes General City Management**
Heather White, City Deputy Recorder
August 27, 2024, Planning Commission meeting minutes

Commissioner Thayn MOVED to approve the August 27, 2024 meeting minutes. Commissioner Howden SECONDED the motion. All present were in favor. The motion carried unanimously.

3. ACTION ITEMS

- a. **ACTION: PH – Development Agreement – Howden 600 West Sidewalk and Fence Land Use (Legislative)**
Rob Patterson, City Attorney/Planning & Zoning Administrator
The Planning Commission will hold a public hearing to consider the City's entering into a development agreement with the Howdens regarding the construction of a sidewalk and theme wall along 6000 West adjacent to their property.

Mr. Patterson explained that the Howden family approached the city with a proposal to extend the sidewalk and theme wall along their property line in connection with the Williams View Subdivision along 6000 West. It would connect to existing sidewalks on either side. He explained that the topography of 6000 West and the Howden property made installing a standard park strip and sidewalk impossible without extensive regrading and filling. The Howdens said they were willing to install a public sidewalk at their own expense on the existing level ground if the city was willing to allow the sidewalk to match what was done on the Quail Creek side – 4-foot sidewalk with no park strip. This would require the city to allow for exceptions to sidewalk and fencing requirements due to topography. The wall would need to be installed adjacent to the sidewalk instead of being set back 14 feet from the curb. Mr. Patterson said staff was amenable to the request as long as the sidewalk and wall were removed and reinstalled according to city standards by the developer at the time when the property was subdivided or redeveloped in the future. Mr. Patterson mentioned that the wall would be placed on the city right of way.

Commissioner Moore opened the public hearing at 7:08 PM and asked for public comment. Hearing none, she closed the public hearing at 7:08 PM and asked for additional discussion.

Commissioner Thayn wondered why the Howdens wanted to install the sidewalk and wall. Commissioner Howden explained that they wanted 6000 West to look nice. He said kids currently only walked on the road. He talked about the developer raising 6000 West when the Dry Creek subdivision was built and said there was no room for a standard sidewalk and wall. He said the wall would be similar to what was already there, and city code would be met once someone developed the property.

Commissioner Moore mentioned that 6000 West was a big exercise route with fast traffic. She thought it was a kind offer from the Howdens. Commissioner Kramer was happy with the offer. She said having a stipulation requiring city standards once the property was developed gave her peace of mind. Commissioner Abbott wondered if, in the future, a new developer might think the sidewalk and wall were already to city code. He thought it was good to make a point that the wall needed to come out in the future. Commissioner Howden explained that the area could not be developed without significant earth work. Mr. Patterson explained that city staff would work with any future developer based on the standards at that time.

Commissioner Abbott MOVED that the Planning Commission recommend approval of the proposed development

agreement with the Howdens for a sidewalk and fence along 6000 West.

Commissioner Warren *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	No vote
Commissioner Claude Jones	Yes
Commissioner Debra Maughan	Absent
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes
Commissioner Alternate Sherry Kramer	Yes
Commissioner Alternate Wesley Warren	Yes

The motion carried 6:0

b. PUBLIC HEARING/ORDINANCE: Text Amendment - Land Use Authority Table
Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commission will hold a public hearing to consider amendments to the Highland City Development Code creating a land use authority table and establishing the reviewing, recommending, and approving bodies for land use matters.

Mr. Patterson said in order to provide clarity and consistency in the development code, staff proposed the creation of a LUA (land use authority) table. The table would identify the reviewing body, recommending body, land use authority, and appeal authority for each land use application type. He reviewed the proposed LUA table and the proposed non-substantive and substantive changes to the code.

Commissioners agreed that there should be a definition or explanation for legislative and administrative decisions. Commissioner Warren thought it might be helpful to provide clarification as to how to read the table. Regarding blank areas on the table, he suggested adding a note clarifying why information was not there. Commissioner Kramer asked that, if ever approved, detached ADUs (accessory dwelling units) be listed separately from attached ADUs in the list in order to have added clarity.

Commissioner Warren wondered why the CR Zone architectural review was suggested to be moved to the Planning Commission. He said he enjoyed hearing the point of view of the City Council. Mr. Patterson said all other non-residential zones were similar but reviewed only by the Planning Commission. He proposed to make the reviewed process consistent for all non-residential zones.

Commissioner Moore opened the public hearing at 7:47 PM and asked for public comment.

Resident Liz Rice asked about the difference between major and minor subdivisions. She wondered how many of the land use applications relied on one person's decision. She wondered if the changes made it harder or easier for citizens. Mr. Patterson explained that a minor subdivision was when one property was split to create two lots. He said three or more lots, or anything with public roads, etc. would go through the standard subdivision process. He said minor subdivisions would not be reviewed by the Planning Commission or Council. They were reviewed by a staff board, which had two Planning Commission members on it. Major subdivision preliminary plats were reviewed by the Planning Commission. He explained that under state law, no subdivisions went to Councils

anymore. Referring to the LUA table, he said that ZA was generally one person, but that was how it had always been because it was all administrative work. He hoped the table was helpful to residents because it was like a map showing what was needed for approvals.

Ms. Rice said she was always nervous with having only one person making decisions. She talked about her house and the money that it took to get it up to code because one person approved things that should not have been approved. Mr. Patterson acknowledged the risk with it. He said it was a matter of efficiency, expediency and budget in some regard.

Councilmember Doug Courtney, speaking as a resident of Highland, thanked Mr. Patterson for creating the LUA table. He thought it was a significant improvement for staff, public bodies and residents. He thought it would be much clearer and a good step for getting to the point where people would not need a lawyer to understand the city zoning code.

Councilmember Scott Smith, also speaking as a resident, also appreciated all the work on the table. He wondered what defined a permanent sign. He thought it needed more discussion before having staff approve everything. He said the Council had had many discussions regarding different sign types in different zones. Councilmember Smith suggested adding “with no zoning changes” to the table for subdivision approvals. Mr. Patterson explained that permanent signs were ones affixed to buildings or monument signs; a permanent installation that required attaching to a wall or needing a foundation of some kind. He explained that the table referred to how a developer would get approval to build a sign that was already approved by the Council. It would be what the Council already directed. If a developer changed anything, it would still need to be reviewed by Council. He explained that it would be the administrative side of what was already approved. He talked about the different roles and responsibilities of the building official and building inspector.

Commissioner Moore closed the public hearing at 7:59 PM and asked for additional discussion.

Commissioner Warren wondered if the table would help staff as the city addressed temporary uses, home occupation and utility facility supplemental regulations. Mr. Patterson said it would help in those areas as well as a lot of others. He talked about other tables he would like to create for the city code.

Commissioner Abbott suggested adding a sentence explaining that a rezone was legislative with the steps needed.

Commissioner Thayn asked if the city regulated HOAs (homeowner associations). Mr. Patterson explained that the city did not recognize or regulate them. He said the state put a lot of restrictions on what cities could or could not regulate. Other than notes on plats, the city could not regulate anything with HOAs.

Commissioner Thayn MOVED that the Planning Commission recommend approval of the proposed amendment with following four (4) changes as discussed:

- 1. Clarifying administrative vs legislative*
- 2. Improving readability of the table – it’s a process moving left to right*
- 3. What a Subdivisions is – administrative vs. legislative*
- 4. Define minor and major subdivisions*

Commissioner Abbott SECONDED the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes

<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Absent</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

The motion carried 7:0

4. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

Mr. Patterson mentioned that he would soon submit an updated moderate-income housing plan for review.

ADJOURNMENT

Commissioner Howden MOVED to adjourn the meeting. Commissioner Thayn SECONDED the motion. All were in favor. The motion carried.

The meeting ended at 8:15 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 24, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

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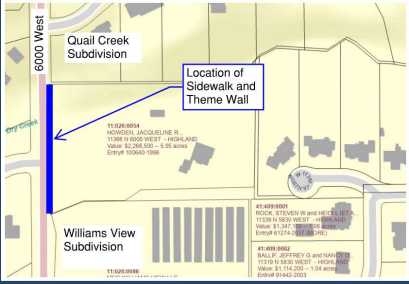


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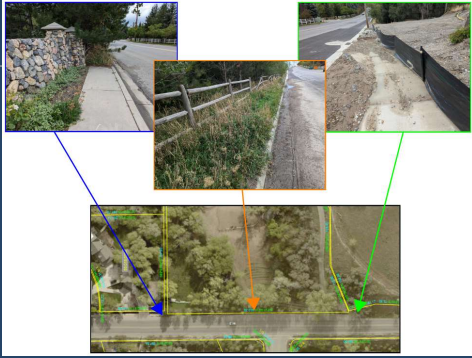


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Vicinity Map

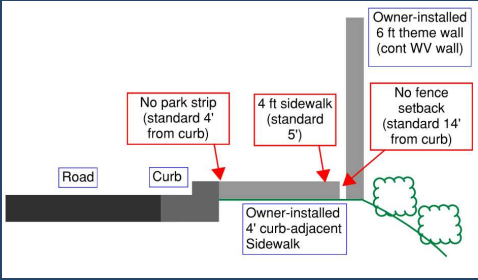


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Proposed Exceptions and Build



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Development Agreement Terms

- Grants authorization for Howdens to proceed with sidewalk/fence with the discussed exceptions
 - 4' sidewalk instead of 5'
 - Curb-adjacent sidewalk with no park strip
 - Fence not set back
- Requires future development of property to remove sidewalk/fence and reinstall to city standards (will require grading, fill, retaining walls)
- Agreement to be recorded

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Staff Recommendation

- Staff recommends that the Planning Commission hold a public hearing, consider the proposed development agreement, and recommend APPROVAL of the development agreement.

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Proposed Motions

- I move that the Planning Commission recommend APPROVAL of the proposed development agreement with the Howdens for a sidewalk and fence along 6000 West.
[Planning Commission may specify additional or different amendments as part of motion]

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**PUBLIC HEARING: LAND USE
AUTHORITY TABLE AMENDMENTS**
Land Use (Legislative)

Item 3b. – Action Item
Presented by – Rob Patterson
City Attorney, Planning & Zoning Administrator

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Background

- There is some inconsistency or lack of clarity regarding the person/body at the city that is responsible to review, recommend, or approve different land use matters
- Staff received support from Planning Commission and City Council to address these issues

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Proposed Amendments

- Creates a Land Use Authority table identifying who reviews, recommends, approves, and hears appeals of land use matters
- Adds new definitions
 - Development Review Committee (staff)
 - Reviewing Body, Recommending Body, Land Use Authority, Appeal Authority
- Revises code to use these terms throughout

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Proposed Amendments

- Cleans up and correlates application processes throughout the zones
 - Remove extraneous staff approvals and recommendations (city engineer approves parking lot grading for site plans)
 - Uses same reviewing, recommending, approval, and appeals bodies for the same applications in all zones

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Questions for Commission

- Is this amendment worth doing?
- Should legislative decisions (annexations, general plan, text amendments, rezones, etc.) be included within the table?
 - Change code to reflect this? (“An area to be Zoned C-1 shall be recommended by the Planning Commission Recommending Body and approved by the City Council Land Use Authority”)
- Changes to proposed reviewing/approving bodies?

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Proposed LUA Table

LAND USE APPLICATION OR MATTER ¹	REVIEWING BODY	RECOMMENDING BODY	LAND USE AUTHORITY	APPEAL AUTHORITY ²
Accessory Dwelling Unit*	DRC	-	ZA	AA
Accommodation Requests	DRC	DRC	CC	AA
Annexation [†]	DRC	PC [‡]	CC	DC
Application Complete Status	DRC	-	ZA	DAB
Architectural Review	DRC	DRC	PC	CC
Building Permit	DRC	ZA	BO	AA
Conditional Use Permit				
Permit Approval	DRC	PC	CC	AA
Accessory Uses	DRC	-	ZA	AA
Amendment	DRC	-	CC	AA

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Proposed LUA Table				
LAND USE APPLICATION OR MATTER ¹	REVIEWING BODY	RECOMMENDING BODY	LAND USE AUTHORITY	APPEAL AUTHORITY ²
Development Code Amendment ¹	DRC	PC	CC	DC
Extension of Approval ² (CUP, subdivision, site plan, arch.)	DRC	-	DAB	AA
Fence and Wall Permits ³	DRC	-	ZA	AA
General Plan Amendment ¹	DRC	PC	CC	DC
Nonconforming Use or Structure	DRC	-	ZA	AA
Planned Developments				
Approval of PD Rezone ¹	DRC	PC	CC	DC
Extensions ¹	DRC	-	CC	DC
Major Amendment ¹	DRC	PC	CC	DC
Minor Amendment	DRC	-	ZA	CC

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Proposed LUA Table				
LAND USE APPLICATION OR MATTER ¹	REVIEWING BODY	RECOMMENDING BODY	LAND USE AUTHORITY	APPEAL AUTHORITY ²
Property Adjustments				
Lot or Parcel Combination	DRC	-	ZA	CC
Parcel Boundary Adjustment	DRC	-	ZA	CC
Plat Amendment, Lot Line Adjustment, or ROW Vacation	DRC	-	CC	DC
PUE or MUE Vacation	DRC	-	ZA	CC
Residential Facility - Disabled	DRC	DRC	CC	AA
Residential Facility - Elderly	DRC	DRC	CC	AA
Sensitive Lands Analysis	DRC	ZA, CE	See 8-104(4)	See 8-108
Sign Permit, Permanent ³	DRC	-	ZA	AA
Sign Permit, Temporary ³	DRC	-	ZA	AA

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Proposed LUA Table				
LAND USE APPLICATION OR MATTER ¹	REVIEWING BODY	RECOMMENDING BODY	LAND USE AUTHORITY	APPEAL AUTHORITY ²
Site Plan	DRC	PC	CC	AA
Subdivisions				
Major - Preliminary Plat	DRC	DRC	PC	AA
Major - Final Plat & Improvement Plans	DRC	DRC	DAB	AA
Minor - Final Plat & Improvement Plans	DRC	DRC	DAB	AA
Variance	-	-	AA	DC
Zoning Map Amendment (Rezone) ¹	DRC	PC	CC	DC

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- Substantive Changes
- Most changes are non-substantive (changing Planning Commission for "Recommending Body" but no change to actual process)
 - Proposed some substantive changes as part of correlating procedures between zones, so all zones have same recommending, reviewing, approving, and appeal bodies

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- Substantive Changes
- CR zone architecture review LUA (same as all non-residential zones) will be just Planning Commission (previously City Council)
 - Non-residential zones, Council will decide "rear" vs "side" setbacks (previously Commission)
 - Non-residential zones, appeals for site plans will be appeals hearing officer (previously was unclear, court, or hearing officer).
 - Non-residential zones, approval of fence/wall materials and design will be the Zoning Administrator, rather than Planning Commission or City Council

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- Substantive Changes
- Extensions of approvals for site plans, architectural review, CUPs, and subdivision will be DAB. Previously there was no land use authority (site plans/arch review) or it was Planning Commission (CUPs) or the DAB (subdivision).
 - Clarify makeup and role of the Development Review Committee (DRC) as facilitating staff review
 - Zoning administrator is responsible to determine the completeness of all land use applications, with appeals handled as per LUA table
 - CUP transfer language was cleaned up to correlate with the CUP amendment code that PC/CC approved (transfers from owner to owner permitted, but not property to property)

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Post-Agenda Clean-Up

- Remove references to staff or Planning Commission reviewing site plans where language already addressed the appropriate reviewing and approving body (3-4528; 3-4628; 3-4965; 3-41026).
 - “The proposed use and development of land conforms to the provisions of this ordinance, and recommendations of the City Zoning Administrator and City Engineer have been provided prior to submitting an application to the Planning Commission.”

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Post-Agenda Clean-Up

- Amending site plans requires land use authority approval (3-4304; 3-4354; 3-4504; 3-4605; 3-4904).
 - “Each phase must adhere to the original plan except as subsequently approved by the Planning Commission and City Council site plan Land Use Authority.”

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Post-Agenda Clean-Up

- Clarify that appeals related to sensitive lands are handled as per the underlying land use application
 - Appeals from a final decision on a land use application that is based, in whole or part, on the regulations and requirements set forth in this Chapter, and requests for variances of any regulation or requirement set forth herein, shall be pursued according to the procedures applicable to the land use application set forth in Article 3 of this Code.

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Staff Recommendation

- Staff recommends that the Planning Commission hold a public hearing, consider the amendments, and recommend APPROVAL of the proposed amendments.

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Proposed Motions

- I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendments to the Highland Development Code related to the creation of a land use authority table as discussed.
[Planning Commission may specify additional or different amendments as part of motion]

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PLANNING COMMISSION AND
STAFF COMMUNICATION ITEMS

a. General Plan Update

b. Future Meetings

- October 1, City Council, 7:00 pm, City Hall
- October 15, City Council, 7:00 pm, City Hall
- October 22, Planning Commission, 7:00 pm, City Hall
 - Land use table
 - Remove commercial requirement for Planned Developments
- October 28, Trick-or-Treat Street (5-7)

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