



HIGHLAND PLANNING COMMISSION MINUTES

TUESDAY, October 22, 2024

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

Approved December 10, 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 Audrey Moore

Pledge of Allegiance: Commissioner Trent Thayn

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 Moore and those in attendance were led in the Pledge of Allegiance by Commissioner Thayn.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Tracy Hill, Christopher Howden, Trent Thayn, Wesley Warren, Sherry Kramer

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, 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
September 24, 2024, Planning Commission meeting minutes

Commissioner Thayn moved to approve the September 24, 2024 meeting minutes. Commissioner Hill seconded the motion. All present were in favor. The motion carried unanimously.

3. ACTION ITEMS

- a. **PUBLIC HEARING/ORDINANCE: – PH – Planned Development Commercial Amendment**
Development Code Update (Legislative)
Rob Patterson, City Attorney/Planning & Zoning Administrator
The Planning Commission will hold a public hearing to consider amending the City's Planned Development zone requirements to remove the requirement to include commercial uses within a PD.

Mr. Patterson discussed moderate-income housing strategies previously adopted by the city council pertaining to ADUs (accessory dwelling units), senior housing, and higher density or moderate-income residential development in commercial or mixed-use zones near commercial centers. He explained that the proposed amendments would allow residential-only PDs (planned developments) with mixed housing types (moderate income, single family, multi family, and senior housing). He said the proposed amendment would remove the commercial requirement in new PDs. The Commissioners discussed locations throughout the city that might be affected, and they reviewed the proposed changes. Mr. Patterson talked about possible repercussions by the state if the city did not comply with the approved moderate-income housing strategies. He explained that the changes would allow developers to apply for PDs with mixed residential-only housing units, commercial-only, or a mix of commercial and residential uses. He explained that the city would still have control over where PDs were approved and that they could still require commercial uses in certain areas. The commissioners discussed whether a commercial-only PD was wanted in Highland. Mr. Patterson thought the changes allowed developers to propose more while allowing the city to decide what was right specific locations.

Commissioner Moore opened the public hearing at 7:33 PM and asked for public comment.

Resident and Council Member Scott Smith said he was very opposed to removing the commercial requirement in PD zones. He said the city received most of its revenue for the general fund from sales tax. He did not like the state mandate for moderate-income housing because he thought there was never going to be affordable housing in Highland. He said more sales tax was needed for the city. If not, residents would have to raise property taxes to cover city services. He said Highland citizens needed to think of how to finance the community without raising taxes. Commissioner Thayn wondered what could be done instead of approving the proposed amendment. Council Member Smith thought commercial did not needed to be removed from PD zones in order to meet state mandate. He voiced concern that developers would not consider commercial uses over residential uses unless it was required. He thought the city would lose commercial opportunities from areas where it was already approved.

The Commissioners discussed the need for affordable housing in the city, specifically through ADUs. Most agreed that it was important to keep the commercial requirement in the code. They agreed that PDs were expected to have a commercial aspect as part of the development and thought that justification was needed if commercial was not included. They considered adding this language to the General Plan. Commissioner Howden thought a change to the General Plan was significant and suggested submitting the question to residents. He talked about some residents who did not want commercial uses in Highland. Commissioner Thayn agreed and said he also had

talked with residents who did not want commercial in the city. Commissioner Howden did not agree with adding the statement to the General Plan until the question was proposed to residents. Mr. Patterson explained that the proposed changes did not include a change to the General Plan.

The public hearing was closed at 7:58 PM.

Commissioner Warren MOVED that the Planning Commission recommend approval of the proposed amendments to Chapter 3, Article 5 of the Highland Development Code with modifying the language in the code to read that commercial be an expectation of all PDs and that a developer must justify the exclusion of the commercial aspect of the PD.

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Absent</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 6:0

4. COMMUNICATION ITEMS

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

Mr. Patterson mentioned that the Commissioners were invited to attend training at the Alpine City Planning Commission meeting on November 19.

ADJOURNMENT

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

The meeting ended at 8:01 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 22, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

1



4



6

Moderate Income Housing Strategy F

- “Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit, investment corridors, commercial centers, or employment centers.”
- Timeline and Implementation Plan:
 - 2023-2025: Permit the remaining 425 lots for the townhomes, carriage lots, and cottage lots that have yet to apply for building permits in the Ridgeview Planned Development.
 - **2024: Remove the requirement to include a commercial aspect in Planned Development (PD) Districts.**
 - 2026: Work with the Planning Commission and City Council to update the Land Use Plan in the General Plan to allow for higher density housing adjacent to the Commercial Retail, Commercial-1, and appropriate Planned Development zones.
 - 2027: Work with the Planning Commission and City Council to research and draft an ordinance creating a residential zone with higher density such as a senior housing zone.

7

Planned Developments

- Property-specific, master-planned developments that have unique zoning regulations
 - Ridgeview, Ten700, Skye Estates
- Typically receive residential density bonuses in exchange for providing commercial development and other benefits
- The location and specific terms of a PD are subject to legislative approval through the rezoning process – there is no entitlement to a PD, to a specific location for a PD, or to specific density/uses
- Currently existing PDs would not be affected – must be amended through legislative process to remove commercial requirements

8

Proposed Text Amendment

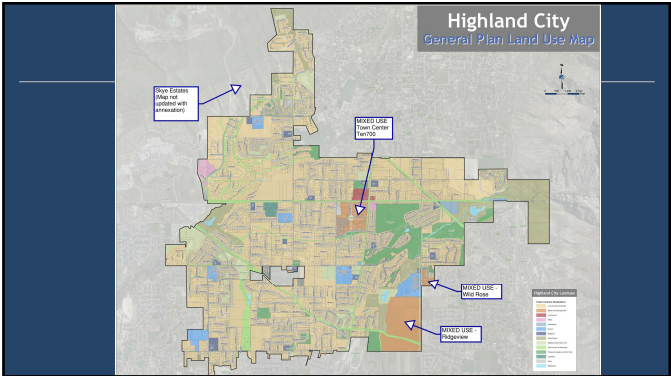
- Currently, PDs are permitted for commercial-only PDs and for mixed uses (commercial & residential)
- Proposed amendments also allow residential-only PDs with mixed housing types (moderate income, single-family, multi-family, and senior housing)
- Removes requirement that PDs only be located in “mixed use” general plan land category
 - City has technically allowed PDs (Skye Estates) in non-mixed-use category

9

Proposed Text Amendment

- Amendments allow developers to propose residential-only PDs
- Amendments do not entitle developers to approval of a residential-only PD (or any kind of PD)
- Each PD request would be subject to review by Planning Commission and Council to ensure PD is compatible with goals and desires of Highland

10



11

Proposed Text Amendment

1. The purpose of the Planned Development (PD) District is to:

a. Promote the development of mixed use developments that include residential and non-residential development and developments that provide diversity of housing types.

2. PD zones are not intended for use for standard residential development, in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones.

1. General Provisions.

A PD Districts shall only be located in the mixed-use land use category.

a. All PD Districts shall have, may have a mixed of uses, such as a mix of residential and non-residential uses, including office, retail, and business park uses, or a mix of residential housing types, including moderate income housing, single-family and multi-family housing, and senior housing uses. PD Districts with only non-residential uses are also permitted.

12

Impact If Not Approved

- Annual reports on MIH implementation that
 - “demonstrate that the [city] made plans to implement three or more moderate income housing strategies” and
 - Provide “sufficient information” for the division to:
 - Assess the city’s progress in implementing the MIH strategies
 - Monitor compliance with the city’s implementation plan
 - Identify a clear correlation between the city’s land use regulations and land use decisions and the city’s efforts to implement the MIH strategies

13

Impact If Not Approved

- In 2025, city will be required to report on its actions to implement MIH strategies (annual report)
- If amendments are not adopted, State may determine that city has not complied with the city’s MIH strategies and may deem the report and city’s efforts deficient
- Failure to file a report and failure to correct “deficiencies” in a report results in \$500 per day fees and disqualifies the city from certain state transportation grants and funds (not class C road funds)

14

Staff Recommendation

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

15

Proposed Motions

- I move that the Planning Commission recommend APPROVAL of the proposed amendments to Chapter 3, Article 5 of the Highland Development code.

[Planning Commission may specify additional or different amendments as part of motion]

16



PLANNING COMMISSION AND
STAFF COMMUNICATION ITEMS

a. General Plan Update

b. Future Meetings

- October 28, Trick-or-Treat Street (5-7)
- November 12, City Council, 7:00 pm, City Hall
- November 19, Planning Commission, 7:00 pm, City Hall

17