



# HIGHLAND PLANNING COMMISSION AGENDA

TUESDAY, OCTOBER 22, 2024

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

Invocation: Audrey Moore

Pledge of Allegiance: Claude Jones

### 1. UNSCHEDULED PUBLIC APPEARANCES

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

### 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 - September 24, 2024** *General City Management*

### 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.

### 4. COMMUNICATION ITEMS

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

## ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

## ELECTRONIC PARTICIPATION

Members of the Planning Commission may participate electronically during this meeting.

**CERTIFICATE OF POSTING**

I, Stephannie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website ([www.highlandcity.org](http://www.highlandcity.org)).

Please note the order of agenda items are subject to change in order to accommodate the needs of the Planning Commission, staff and the public.

Posted and dated this agenda on the 17th day of October, 2024

Stephannie Cottle, City Recorder

<b>THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.</b>
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# HIGHLAND PLANNING COMMISSION MINUTES

**Tuesday, September 24, 2024**

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

**Awaiting Formal Approval**

## 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: 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.



# PLANNING COMMISSION AGENDA REPORT ITEM #3a

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**DATE:** October 22, 2024  
**TO:** Planning Commission  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** PH - Planned Development Commercial Amendment  
**TYPE:** Development Code Update (Legislative)

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## **PURPOSE:**

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.

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing, consider the proposed amendments, and recommend APPROVAL of amending the City's Planned Development zone requirements to remove the requirement to include commercial uses within a PD.

## **PRIOR REVIEW:**

Utah State law requires cities to adopt at least three specific moderate income housing strategies out of a list created by the State and provide a timeline and benchmarks for how those strategies would be implemented.

On January 24, 2023, the Planning Commission reviewed potential strategies to be incorporated into the City's moderate income housing plan within the City's general plan, to comply with the State mandate. The Commission recommended adopting three strategies, with related timelines and benchmarks, to be adopted as the City's moderate income housing plan: strategy "E" (easing regulations for internal and detached ADUs), "N" (providing a mortgage assistance program for city employees), and "U" (developing zoning and other regaultions for housing projects for disabled or senior residents).

The Council considered the Planning Commission's recommendation on February 7, 2023. The Council agreed with the Commission on adopting strategy "E" related to ADUs and strategy "U" for senior housing, but did not adopt strategy "N" related to mortgage assistance. Instead, the Council adopted strategy "F" as the third strategy. Strategy "F" deals with zoning for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.

The proposed amendments address one of the benchmarks/timeline goals of Strategy "F".

## **BACKGROUND & SUMMARY OF REQUEST:**

As part of Highland's moderate income housing plan, the City adopted strategy "F" from the list of State-approved strategies. This strategy, together with its timeline and benchmarks, was adopted by the City as follows:

**Implementation Measure:** 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.

The proposed amendments deal with the second benchmark related to removing a commercial aspect in Planned Development (PD) zones.

Planned Developments are a special type of development where a developer proposes a unique development type and master-planned, and requests that a new zone be created to allow and facilitate that development and master plan. PDs allow for residential and commercial developments that differ from the City's traditional residential or commercial zoning. PDs require legislative approval, because they involve rezoning property to apply new, site-specific zoning requirements. So each PD must be reviewed by the Planning Commission and then ultimately approved by the City Council as a legislative matter.

Examples of PDs in Highland include Ridgeview, Skye Estates, Ten700, and Wild Rose. Each of these areas have been rezoned with a specific master plan and zoning regulations unique to the PD. As part of that plan and zoning, the PDs were permitted to increase their residential density beyond what the City traditionally allowed (allowing 4 to 10 units per acre, instead of the traditional 1 unit per acre) and, in some cases, were permitted to allow multifamily housing in addition to denser single family (townhomes, twinhomes, etc.).

The City has historically required that each PD include a commercial aspect or portion in addition to increased residential density. This is why Ridgeview, Skye Estates, Ten700, and Wild Rose have at least one commercial site within the PD. The City's moderate income housing strategy requires the Planning Commission and Council to consider removing this commercial requirement in 2024. The proposed amendments accomplish this goal.

The proposed amendments remove the requirement that PDs have a mix of residential and non-residential uses and remove the requirement that PDs be located solely in the City's "mixed-use" land designation in the general plan. This would allow PDs that facilitate mixed types of residential uses in addition to the traditional PDs that mix commercial and residential uses. These amendments also allow greater flexibility for developers to residential PDs in appropriate areas (such as existing commercial or mixed-use developments or major transit investment corridors) without also needing to amend the general plan to designate the property as "mixed-use."

Ultimately, approval of the location of a PD and the specific uses, density, housing types, and other

zoning details for a new PD would be up to the Planning Commission and City Council. These amendments allow developers to propose non-commercial PDs, but do not obligate the City to approve a particular type or location of PD zone or PD development. These amendments also would not undo or amend any existing PD. The developer would have to request a major amendment to its existing PD zone to remove existing requirements for commercial uses, which would require legislative approval with the Planning Commission and City Council's review. The City would not be obligated to approve that type of amendment.

### **STAFF REVIEW & PROPOSED FINDINGS:**

Staff believes that the proposed amendments accomplish the City's goal of removing the requirement that new Planned Developments include commercial aspects in their development. By adopting these amendments, the City will finish its 2024 benchmark for one of its moderate income housing strategies.

### **FINDINGS:**

1. The proposed amendments conform to the City's moderate income housing plan, as adopted by the City.
2. The proposed amendments satisfy and accomplish the City's 2024 benchmark to implement its strategy to zone for higher density or moderate income residential development in appropriate areas by removing the requirement for non-residential development as part of new PDs.

### **MOTION:**

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

### **ATTACHMENTS:**

1. General Plan - Moderate Income Housing Strategies
2. General Plan - Future Land Use Designation
3. Proposed Text Amendment - PC 10.08.2024

## Goals and Policies

With the zoning pattern already established and a mostly infill expectation for new development, support for alternative housing types is a difficult goal to achieve. The City can still find creative ways to make a reasonable allowance for affordable housing types that would be acceptable and even welcomed by residents. The City may choose to focus on solutions, such as basement accessory dwelling units, senior housing (some of which may include deed restrictions to maintain affordability) and multi-family housing mixed-use developments. The goals, policies, and implementation measures below build on these ideas.

### Goal: Support for alternative housing type.

**Policy:** Proactively encourage the development of moderate income and senior housing as follows:

**Implementation Measure:** develop a moderate income housing project for residents who are disabled or 55 years old or older;

**Timeline and Implementation Plan:**

2024	Work with the Planning Commission and City Council to draft an age-restricted senior housing residential zone. Work with the Planning Commission and City Council to determine areas in the City where this zoning could be approved.
2026	Adopt the new senior housing zone.
2028	If no property owners have requested to rezone in appropriate areas, rezone areas determined to be appropriate by the Planning Commission and City Council.

**Implementation Measure:** 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.

**Implementation Measure:** create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

**Timeline and Implementation Plan:**

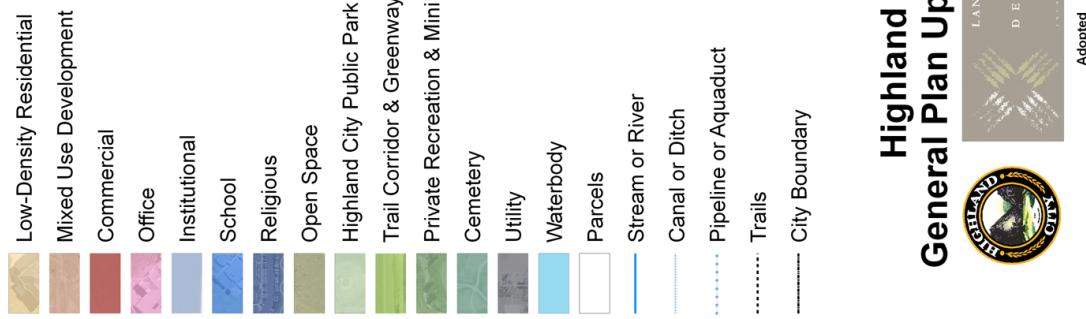
2023	Include in the City's annual survey a question to gauge support for detached accessory dwelling units in residential zones.
2025	Review the results of the annual survey. If there is significant support for detached accessory dwelling units, work with the Planning Commission and City Council to update the Development Code to allow for them; if there is not significant support from the residents, determine an alternative way to reduce regulations for internal accessory dwelling units.

**Policy:** Maintain quality housing stock and the current aesthetic style of Highland City.

**Implementation Measure:** Adopt design guidelines for medium and higher density housing based on residents' opinions and perceptions of the community character. The guidelines should not be cost prohibitive to affordable housing.

## MAP 2-3 FUTURE LAND USE

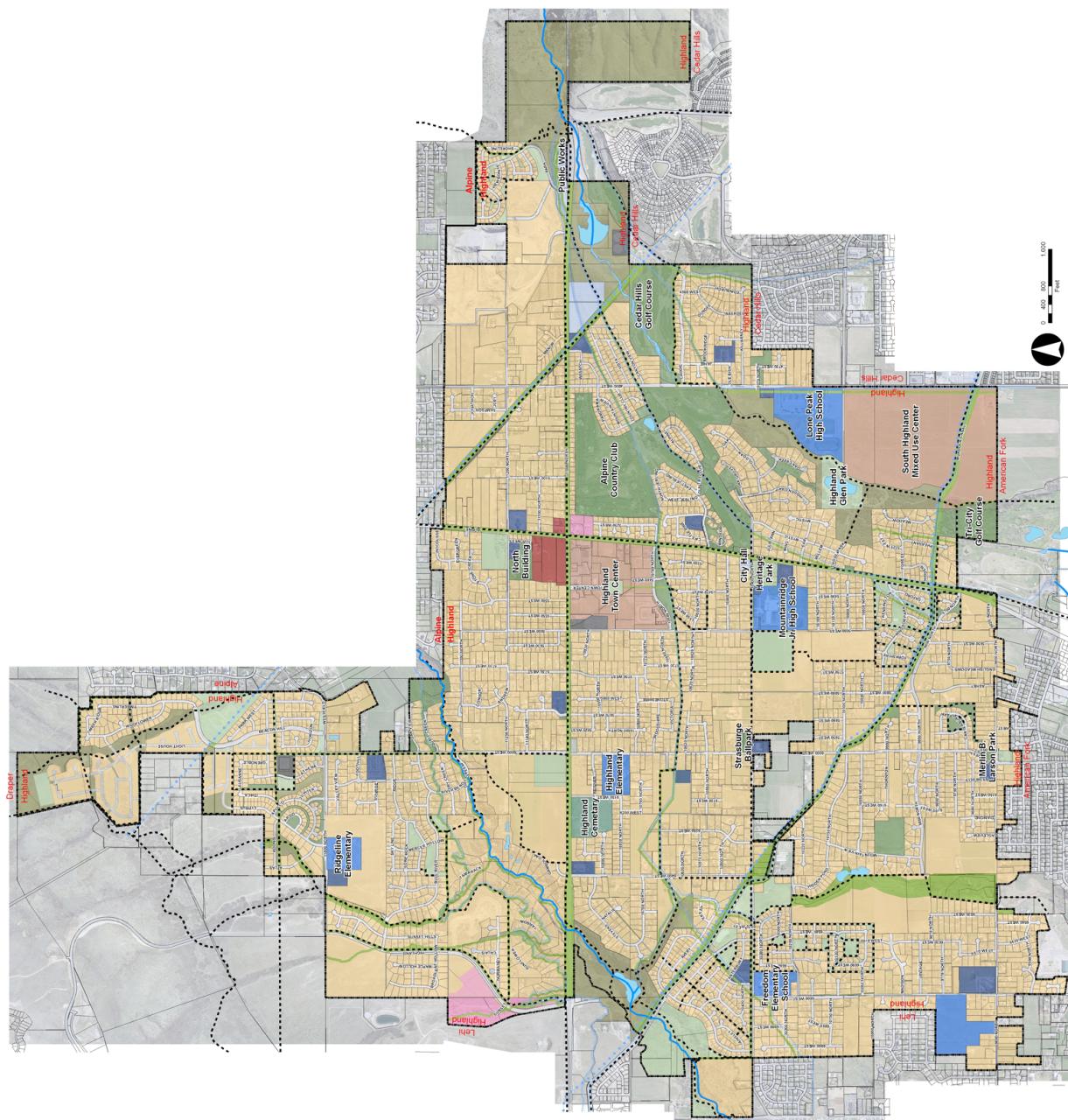
### Land Use



## Highland City General Plan Update



Adopted



### **3-500 Purpose**

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.
  - b. Provide a process which relates the uses, architecture, design and scale of the project to the characteristics of the site and surrounding properties.
  - c. Require development to be supported by adequate utilities, transportation, and recreation areas to serve the development.
  - d. Minimize impact on existing or future adjacent development.
  - e. Encourage development that is consistent with the policies and the guidelines established in the General Plan.
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.~~

### **3-510 Establishment Of A PD District**

#### **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.
- b. All approved plans (site plans, subdivisions, buildings, documents and permits, etc) shall conform to the approved PD Narrative.

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