



# 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](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:*

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>No vote</i>
<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 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:*

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>

<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.