



HIGHLAND CITY


HIGHLAND CITY PLANNING COMMISSION AGENDA

Tuesday, August 29, 2023

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

7:00 PM REGULAR SESSION

Call to Order – Chair Audrey Moore

Invocation – Commissioner Chris Howden

Pledge of Allegiance – Commissioner Trent Thayn

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 or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. [Approval of Meeting Minutes](#) *General City Management - Jill Powell, Planning Commission Secretary*
Regular Planning Commission Meeting – July 25, 2023

3. [PUBLIC HEARING: PRELIMINARY PLAT - MAGNOLIA ESTATES](#) *Land Use (Administrative) - Jay Baughman, Assistant City Administrator/Community Development Director*

The Planning Commission will hold a public hearing to consider a request by the developers for preliminary plat approval of an 8-lot subdivision in the R-1-40 Zone located south of 4697 W. 11200 N. The Planning Commission will take appropriate action.

4. [PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - PROFESSIONAL OFFICE ZONE](#) *Development Code Update (Legislative) - Jay Baughman, Assistant City Administrator/Community Development Director*

The Planning Commission, having held a public hearing during the July 25 Planning Commission meeting, will continue its discussion and consideration of a request by Patterson Homes to amend to Article 4.9 Professional Office (P.O.) to remove the illustrative exhibits associated with the zone and allow for the landscape and architectural plans to meet the regulations outlined in the code. The Planning Commission will take appropriate action.

5. ACTION: ZONING APPROVAL - ZAANA JEWELRY *Land Use (Administrative) - Jay Baughman, Assistant City Administrator/Community Development Director*

The Planning Commission will consider a request by Zachary Fackrell to allow Zaana Jewelry—a jewelry ecommerce business—as a permitted use in the Professional Office Zone. The Planning Commission will take appropriate action. This request is a resubmittal of their previous application that was discussed at the June 27 Planning Commission meeting.

6. ORDINANCE: TEXT AMENDMENT - SENSITIVE LANDS *Development Code Update (Legislative) - Rob Patterson, City Attorney*

The Planning Commission will hold a public meeting to consider a proposal by Highland City Staff to amend certain sections of the Development Code and to adopt a new chapter 8 in the Development Code related to the regulation of development on sensitive lands. The Planning Commission will take appropriate action.

7. DISCUSSION: GENERAL PLAN COMPREHENSIVE UPDATE RFP REVIEW *General City Management - Jay Baughman, Assistant City Administrator/Community Development Director*

Highland City’s last General Plan update was in 2008. The City has budgeted funding in the 2023-24 fiscal year to commission a comprehensive update to the Plan and bring it up to current standards.

8. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- September 5, City Council, 7:00 pm, City Hall
- September 19, City Council, 7:00 pm, City Hall
- September 26, Planning Commission, 7:00 pm, City Hall
- October 3, City Council, 7:00 pm, City Hall

Legislative: An action of a legislative body to adopt laws or policies.

Administrative: An action reviewing an application for compliance with adopted laws and policies.

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, Stephanie Cottle, 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).

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 24th day of August, 2023

Stephanie Cottle, CMC, City Recorder

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES


Tuesday, July 25, 2023

Waiting Formal Approval

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

7:00 PM REGULAR SESSION

- Call to Order – Audrey Moore, Chair
- Invocation – Commissioner Jerry Abbott
- Pledge of Allegiance – Commissioner Audrey Moore

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:01 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 Jerry Abbott and those in attendance were led in the Pledge of Allegiance by Commissioner Audrey Moore.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Jerry Abbott, Tracy Hill, Christopher Howden, Audrey Moore and Trent Thayn

CITY STAFF PRESENT: City Planner and GIS Analyst Kellie Smith, Assistant City Administrator and Community Development Director Jay Baughman, Mayor Kurt Ostler, City Administrator Erin Wells, City Attorney Rob Patterson, Planning Commission Secretary Jill Powell

OTHERS PRESENT: Doug Cortney, Lance Pendleton, Joe Ham, Brandon Neish, Scott Dunn, Linda Harold, Andrew Harold

1. UNSCHEDULED PUBLIC APPEARANCES

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

There were no public comments.

2. CHAIR AND VICE CHAIR ELECTIONS

According to Section 2-203 in the Development Code, at its first meeting in July of each year, the Planning Commission shall elect one of its members as Chair and a second member as Vice-Chair. A vacancy in the position of Chair shall be filled for the unexpired

term by election at the next meeting of the Planning Commission. A person may be elected to serve consecutive terms as Chair.

Ms. Smith explained that the Planning Commission will be voting annually on a chair and vice chair and that the committee should discuss among themselves and then vote. If there was a disagreement, the committee could hold a more formal written vote.

Commissioner Moore listed all Planning Commission members and then asked those present if any of them would prefer not to be considered to keep their positions. She also stated that those present would choose for those not in attendance. All present agreed to stay in their positions.

Commissioner Hill MOVED that the commission retain Audrey Moore and Chris Howden as the Chair and Vice Chair and other members retain their positions.

Jerry Abbott SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Absent</i>
<i>Commissioner Jay Roundy</i>	<i>Absent</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>

Motion carried 5:0

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

a. Approval of Meeting Minutes *General City Management - Jill Powell, Planning Commission Secretary*
Regular Planning Commission Meeting – June 27, 2023

b. Highland Mains Signage *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will consider the interpretation of signage regulations in the Development Agreement between Highland City and MNG Highland Development, LLC and decide whether to allow the developer to meet the requirements of the underlying CR Zone.

Ms. Smith explained that 3b. and 3a. should be voted on at the same time. She stated that 3b. has been discussed in a previous Planning Commission meeting and that is why this subject is listed in the Consent Items.

*Commissioner Abbott MOVED that the committee **APPROVE** Consent Items 3a. and 3b.*

Commissioner Howden *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Claude Jones	Absent
Commissioner Jerry Abbott	Yes
Commissioner Christopher Howden	Yes
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes
Commissioner Tracy Hill	Yes
Commissioner Debra Maughan	Absent
Commissioner Jay Roundy	Absent
Commissioner Chris Dayton	Absent

Motion carried 5:0

4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - ALCOHOL SALES

Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst

The Planning Commission will hold a public hearing to consider a request by MNG Highland Development, LLC to amend Article 4.35 CR Zone in the Development Code to allow for alcohol sales in the CR Zone. The Planning Commission will take appropriate action.

Ms. Smith explained that the proposed text amendment is in the Development Code and that is why this is going before both the Planning Commission and City Council.

Background: In our Development Code we have the Commercial Retail Zone (CR Zone). The applicant is the property owner for a majority of property in the CR Zone. The property owner met with the mayor and two council members prior to submitting his application to gauge potential interest in an amendment like this.

In the CR Zone, we have a list of permitted uses as well as prohibited uses. One of the prohibited uses is alcohol sales. Part of this amendment is to remove alcohol sales as a prohibited use. There is also a sentence in the permitted uses that reads, "Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9." Part of this proposed amendment would be to remove that sentence.

Ms. Smith said that after sending out public hearing notices, 7 emails have been received from Highland citizens—6 were in support and 1 opposed.

Staff Review:

1. CR Zone and Town Center Overlay prohibit alcohol sales, however the C-1 Zone does not.

The applicant is calling this out as one thing allowed on one side of the street and prohibited on the other side of the street.

2. Section 5.12.020 Beer Sales in Municipal Code prohibits the retail sale of beer for both on and off premises consumption. This is applicable for all of Highland City.

Ms. Smith pointed out that this section of the municipal code allows for the sale of alcohol other than beer. In the CR Zone, all alcohol is prohibited.

3. Ordinance 1977-09 states “The public retail sale of light beer, in bottles, cans or draft is expressly prohibited within the corporate limits of the Town of Highland.”

This specific ordinance has a reference to “light beer” so technically the reference doesn’t entirely apply. Depending on what the Planning Commission’s recommendation is, we would suggest removing that as they are inconsistent with each other.

Ms. Smith noted that state code defines different types of restaurant licenses for different kinds of alcohol and there are different operational requirements for each of these types. She asked that as the commission is considering allowing alcohol sales in the CR Zone, they give staff guidance as far as what types of alcohol would be considered allowable.

Attachments in the Staff Report:

1. Limited-service Restaurant License-wine or heavy beer.
2. Full-service Restaurant License-liquor.
3. Bar Establishment-liquor, wine, and beer (during specific hours).
4. Operational requirements
 - a. Hours
 - b. Seating requirements
 - c. Dispensing requirements
 - d. Storage and preparation requirements

Ms. Smith presented Staff’s Proposed Motion to recommend approval as shown in the Agenda.

1. The first question to answer is “Do you want alcohol sales in the CR Zone? If yes, what types?”

Ms. Smith then presented Staff’s Proposed Motion to deny approval as shown in the Agenda.

Ms. Smith presented potential findings for both approval and denial of the proposed amendment.

City Manager Wells stated that state law only allows grocery stores to sell canned or bottle beer for off-premise consumption. She asked for clarity from the Planning Commission as to either allow all alcohol or not allow it.

Joe Ham, the applicant, stood as representative for MNG. Some things he highlighted are:

1. MNG would like to have no difference between the way our property can operate and the way the property across the street can operate.
2. MNG would like the ability to attract retailers who have the option of locating in surrounding communities.
3. He presented a short history of the property.
4. Developers for this property know that to attract high-end restaurants, they need to have the option of selling alcohol.
5. MNG prepared many site plans for this area.
6. They went to every possible anchor tenant they could think of. These tenants were not interested in this area.
7. After much trial and error and over 2 years of marketing, MNG came up with what they thought would work in this zone—3 buildings of multi-tenant stores and 3 pad buildings of quick-serve restaurants. MNG spent over \$100,000 and began to grade the property. After beginning, the developers thought this property was significant enough to do something special. They threw away the plans and started over.

8. Mr. Ham spoke of a property in San Diego that MNG decided to emulate here. Mr. Ham showed pictures of this new concept. The new plans call for attracting high-end restaurants to act as anchors for the area. The architect adapted the plans to look Scottish to go with Highland's heritage.
9. MNG along with Lance Pendleton, their local broker, has spoken to all the restaurant groups in Utah. Each restaurant user has expressed an interest in being in the Highland community. Each of them have asked that the alcohol restriction be lifted.

Commissioner Moore opened the public hearing at 7:36 p.m.

Wesley Warren, resident, stated that he supports the amendment change. He supports it because of economic reasons and stated that giving people more freedoms and rights is a move in a positive direction.

Brandon Neish, resident, stated that he is against the amendment change. He loves the uniqueness of Highland and the surrounding area and wants to keep it the way it is. He feels that making this change would open pandora's box as far as social problems, accidents, disturbances, attracting a younger demographic, and strain law enforcement. He urged a "no" vote.

Kim Rodela, resident and Highland City Council member stated she is here because of the 8 emails she has received from residents saying they support the change. Ms. Rodela stated she talks to many residents who ask for nice restaurants. She has also spoken to quite a few developers in Highland and 100% of them say the alcohol restriction has kept developers out.

Commissioner Moore closed the public hearing at 7:45 p.m.

The commissioners discussed this amendment among themselves at length:

1. Where alcohol is currently served.
2. Emails from citizens—8 emails is not a good representation of Highland citizens.
3. Traffic studies and potential accidents if alcohol is allowed.
4. Highland's lifestyle-change or keep as is.
5. The consequences of allowing the amendment change.
6. Do we want Highland to be just like other cities or stay the way it is.

Commissioner Howden asked if this could go to the City Council first. Ms. Smith said that the Planning Commission would need to vote first and have at least 4 people in favor of a motion. If the Planning Commission cannot come to an agreement, we can continue this discussion at the next meeting. Ms. Smith said someone could make a motion and if the motion isn't seconded, this discussion will move to the next meeting.

*Commissioner Thayne MOVED that the Planning Commission accept the finding that the amendment is consistent with the purpose and intent of the CR Zone and recommend **APPROVAL** of the proposed amendment to Section 3-4351 and Section 3-4352 to allow alcohol sales, and direct staff to draft language to limit the alcohol sales to full-service restaurants.*

There was no SECOND.

*Commissioner Abbott MOVED that the Planning Commission accept the finding that the amendment is not consistent with the purpose and intent of the CR Zone and recommend **DENIAL** of the proposed amendment.*

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>No</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Absent</i>
<i>Commissioner Jay Roundy</i>	<i>Absent</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>

Motion carried 4:1

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - PROFESSIONAL OFFICE ZONE *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Patterson Homes to amend Article 4.9 in the Development Code to remove references to the original landscape plan and architectural details adopted with the Zone in 2003. The Planning Commission will take appropriate action.

Ms. Smith explained that this is a proposed amendment to the development code regarding the professional office zone. The professional office zone is unique and different compared to the way our other zones are written.

Staff recommended that the Planning Commission hold a public hearing and consider whether or not to remove the exhibits associated with the Professional Office Zone. If the Planning Commission does determine that the existing landscaping and architectural requirement in the P.O. Zone are sufficient to meet the purpose and intent of the P.O. Zone, staff recommends the Planning Commission recommend **APPROVAL** of the proposed amendment.

P.O. zone was adopted in 2003. All the property in this zone was owned by one property owner. The ordinance was adopted with all the exhibits. Exhibit A is a master site plan, Exhibit B is the landscape plan, Exhibit C is the architectural details. These exhibits are stricter than what is outlined in code. In the past, architectural approval was completed through development agreements; however, due to recent legislation we would have to update the Development Code to deviate from these exhibits. The applicant has requested this proposed amendment. The proposed amendment removes the landscape plan and architectural details. Any architectural plans would still need to be approved by the Planning Commission which is consistent with other zones. She reviewed the exhibits submitted in 2003, including specifics in architecture elements. The property owner has one building left to construct. Ms. Smith reviewed the landscape plan within the 2003 ordinance. She noted that the City parks superintendent has requested that we simplify to cobble and trees. If this exhibit is removed, then the property owner would be required to follow landscape requirements already in code.

We sent this amendment out for public hearing and did not hear anything back from Highland citizens.

Ms. Smith explained that by removing the exhibits it gives the developer more flexibility. Some of the specified building materials may not be available. Ms. Smith reviewed the intent and purpose of this zone, highlighting that it was designed to fit in with the residential area. If Commissioners chose to remove the exhibits then the architectural plans would come to the Planning Commission as an administrative approval.

Planning Commission members asked questions of Ms. Smith and discussed the consequences and benefits of removing the exhibits from this zone.

Scott Dunn, resident, stood as a representative of Patterson Homes. He said that Patterson Homes office is in one of these buildings and so he speaks from first-hand experience. He stated that he would be reluctant to tie another set of exhibits to the code. He would expect that down the road there would be another applicant who would have to present to the Planning Commission a building that will meet their needs but won't meet the criteria of the exhibits. The current exhibits don't meet the needs now. They are out of date. Patterson wants to stay in Highland but will not stay in this current building as it doesn't function for their office needs. Mr. Dunn stated that he feels we can have a good mix of home and residential but Patterson and other businesses do not want it to feel like they are officing in a home.

Mr. Dunn and Planning Commission members had a brief discussion about roof height and building materials, as well as multi-level buildings.

Ms. Smith stated that architectural approval must go to the Planning Commission. When it comes to review, the Planning Commission was concerned that they have to approve if it meets code.

Mr. Dunn said that they have proposed language which would say "the architectural design including design, rendering and a list of building materials of each professional office building and storage shed complex shall be submitted and approved by the Planning Commission prior to each building approval." Mr. Dunn stated that the expectation is that site plan approvals will go to the Planning Commission, and they can vote on each of those approvals. The architectural design is left wide open.

The Commission worried that if they get rid of exhibits and a developer meets all of the listed requirements but the Planning Commission doesn't like the building, it would have to be approved anyway. They talked about the proper wording for this amendment.

Mr. Patterson stated that the City would need to word this in a way that would have an objective standard.

Ms. Smith went through the proposed ordinance and showed items in red that are submitted for change. These are subjective so the Planning Commission could interpret.

The Commission explained that the exhibits are a low standard, and the wording is high. We want to be somewhere in the middle. They mentioned that if the exhibits are thrown out, the wording needs to be looked at and changed to something universal and that will last for a while. There was also a brief discussion regarding conditional uses.

Commissioner Moore opened the public hearing at 9:00 p.m.

There were no public comments.

Commissioner Moore closed the public hearing at 9:00 p.m.

Commissioner Howden motioned to CONTINUE this discussion.

Ms. Smith asked that direction to staff also be put in the motion.

Commissioner Abbott *MOVED* that we *CONTINUE* the proposed amendment with the intent that we receive 5 or so exhibits demonstrating the architecture that we are looking for in this zone. We will use those to up the written code to accommodate or meld with that.

Commissioner Moore *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Claude Jones	Absent
Commissioner Jerry Abbott	Yes
Commissioner Christopher Howden	Yes
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes
Commissioner Tracy Hill	Yes
Commissioner Debra Maughan	Absent
Commissioner Jay Roundy	Absent
Commissioner Chris Dayton	Absent

Motion carried 5:0

6. PUBLIC HEARING/ORDINANCE: GENERAL PLAN AMENDMENT - ACTIVE TRANSPORTATION PLAN *General Plan Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to add an Active Transportation Plan to the Highland City General Plan. The Planning Commission will take appropriate action.

Kellie Smith, Planner & GIS Analyst provided a brief background of this item. The Active Transportation Plan has been a joint project between Highland City, Alpine, & MAG. Horrocks Engineering was hired to do research, solicit public input, and produce recommendations for a backbone network. Horrocks Engineering presented a draft plan to City Council on June 20th and to the Planning Commission on June 27th. The Planning Commissioners were given a month after the presentation to become familiar with the plan before adoption. After Alpine and Highland have adopted the plan, the Planning Commission desired to have a joint meeting to discuss prioritization and funding for the joint projects.

Commissioner Moore opened the public hearing at 9:09 p.m.

Linda Harold, resident, stood to urge a no vote, specifically in Dry Creek. She stated that Dry Creek is a mostly secluded and privately owned area and residents would not like a trail going through their property.

Andrew Harold, resident stood to also urge a no vote. He stated that the area is dangerous in times of flooding and that there are hazards that come with the Bull River Gorge. He said residents do not have fences but now would have to put a fence in or the public would have access to their property. He would like to keep his property private.

Commissioner Moore closed the public hearing at 9:13 p.m.

Ms. Smith showed the overall backbone map and pointed out that 4AH is the trail the residents are talking about. Some parcels are on private property. Ms Smith stated that this is only a conceptual plan. The details of

drainage, private/public property, etc. weren't taken into consideration. Those details will be worked out after Council directs staff to look at a specific project. The General Plan doesn't go into that detail. There are several trail connections which go through private and public property.

The Commissioners pointed out that Horrocks left Highland Elementary and crosswalks off the map to which Ms. Smith responded that Horrocks Engineering reviewed the Safe Routes to School with Alpine School District. Ms. Smith reviewed the process if the Planning Commission would like to make changes.

Commissioner Howden was concerned that the Planning Commission wasn't asked to work with Horrocks and the steering committee when putting this plan together. Mr. Howden stated that it was his understanding that a City cannot take private property to build trails to which City Attorney Rob Patterson stated that is correct. Discussion about Dry Creek Lake trail following up through Bull River to Alpine. Mr. Howden was curious about who inspected this trail and decided this was a good place for a trail. Feels this is a sloppy report and concerned about Angels Gate, and southeast area.

Commissioners expressed concern about the overall trail connections and potential flooding. Addressing land use and have doubts that this plan is effective. There are trails that are missing. Schools and crosswalks are missing.

Rob Patterson explained that eminent domain cannot be exercised for any trail, path, hiking, unless the City was putting a road with a separated walking path. The property for trails would have to be sold voluntarily. Oftentimes something is on a General Plan that is not currently feasible, but in the future it might become feasible. Planning Commission can approve as is, or with stipulations; or you can continue this item to get more input.

Ms. Smith stated that when trails are in the General Plan, you have more leverage to talk to developers about working together to get those trails built. The Dry Creek connection was wanted by both cities to access the reservoir. That would be a collaborative effort between both cities.

Linda Harold said there is no trail easement on my property. Our property goes all the way to the creek.

Commissioners expressed they liked the traffic plan, except the missing sidewalks, but the trail plan is not realistic. Commissioner Thayne stated that this is a conceptual plan. Each trail will have to be studied prior to actual execution.

Ms. Smith said this is a General Plan to give Planning Commission and City Council direction and allows a vision for the City. The City probably wouldn't start a project without studying and making sure it was feasible, especially for those going through private property.

There was a high-level discussion regarding the idea of concept plan vs realistic plan. Rob Patterson said that some of these trails are on the existing Highland Trail Map.

Commissioner Howden expressed his concerns about the safety portion of the plan. Would like to approve but there are about 4 or 5 glaring errors.

Kellie stated that she is hearing that the Commission would like to recommend denial with concerns and the Planning Commission would like to look at this plan further before adopting anything. Commissioners requested that Horrocks do more work on the plan. Kellie stated that Horrocks provided everything that was in the scope of work so there might be extra costs.

Chair Moore stated that if the Planning Commission should deny, then that denial would be on record that we did not approve this plan without further work.

Commissioner Trent Thayn reiterated that this is a very conceptual plan. If it were not a concept plan, we would not approve. There is 50/50 chance that this won't work, but that is what a conceptual plan is.

*Commissioner Howden moved that the Planning Commission recommend **APPROVAL** of the Active Transportation Element as a conceptual plan. We have grave concerns with the level of practical detail implementation, even at a conceptual level, for the trails portion and at least for the safety portion as well. We do not recommend that it gets added to the general plan without further refining.*

Commissioner Moore seconded the motion.

The vote was recorded as follows:

<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Absent</i>
<i>Commissioner Jay Roundy</i>	<i>Absent</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>

Motion carried 5:0

Mr. Patterson reiterated what he heard the Planning Commission is saying with this recommendation. He said “you are recommending approval of this as part of the active transportation plan in the general plan in the sense of you approve of updating the active transportation portion. You think this has some portions that are helpful and good but you do have some very serious concerns with some of the details, some of the trails and you would recommend the Council spend time refining it before it actually gets adopted into the general plan.”

The Commission agreed “especially the trails, the safety, the schools” and that they are concerned with how sloppy the work was.

Continued discussion about Planning Commission involvement.

7. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - SENSITIVE LANDS *Development Code Update (Legislative) - Rob Patterson, City Attorney*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to add regulations and restrictions in the Development Code regarding the subdivision, development, and use of land subject to geologic hazards such as steep slopes, wetlands, unstable soils, and other hazards.. The Planning Commission will take appropriate action.

Because of the late time, the Commission asked to move this to the next meeting.

Mr. Patterson stated that because notice of this has been sent out as a public hearing, he suggested the commission hold the public hearing and then continue the item to the next meeting.

Commissioner Moore opened the public hearing at 10:04 p.m.

There were no public comments.

Commissioner Moore closed the public hearing at 10:04 p.m.

Commissioner Abbott **MOVED** to **CONTINUE** this item until the next meeting.

Commissioner Howden **SECONDED** the motion.

The vote was recorded as follows:

Commissioner Claude Jones	Absent
Commissioner Jerry Abbott	Yes
Commissioner Christopher Howden	Yes
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes
Commissioner Tracy Hill	Yes
Commissioner Debra Maughan	Absent
Commissioner Jay Roundy	Absent
Commissioner Chris Dayton	Absent

Motion carried 5:0

8. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- August 1, City Council, 7:00 pm, City Hall
- August 15, City Council, 7:00 pm, City Hall
- August 29, Planning Commission, 7:00 pm, City Hall
- September 5, City Council, 7:00 pm, City Hall

Legislative: An action of a legislative body to adopt laws or polices.

Administrative: An action reviewing an application for compliance with adopted laws and policies.

ADJOURNMENT

Commissioner Thayn **MOVED** to adjourn the meeting.

Commissioner Hill **SECONDED** the motion. All were in favor.

The meeting ended at 10:08 pm.

I, Jill Powell, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on July 25, 2023. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Jill Powell

DRAFT



PLANNING COMMISSION AGENDA REPORT ITEM #3

DATE: August 29, 2023
TO: Planning Commission
FROM: Jay Baughman, Assistant City Administrator/Community Development Director
SUBJECT: PUBLIC HEARING: Preliminary Plat – Magnolia Estates
TYPE: LAND USE (ADMINISTRATIVE)

PURPOSE:

The Planning Commission will hold a public hearing to consider a request by the developers for preliminary plat approval of an 8-lot subdivision in the R-1-40 Zone located south of 4697 W. 11200 N. The Planning Commission will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed preliminary plat with the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received July 5, 2023.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.
4. Staff will coordinate with the developer regarding a reimbursement agreement for sewer extension in Manor Drive

BACKGROUND:

The property is approximately 7.82 acres and is zoned R-1-40. The square footage allows for an 8-lot subdivision in the R-1-40 Zone.

SUMMARY OF THE REQUEST:

1. The applicant is requesting preliminary plat approval of eight (8) single-family residential lots located at approximately 4697 W. 11200 N.
2. The lot sizes meet the requirements of the R-1-40 Zone by having only one (1) lot that is less than 30,000 square feet.
3. The north side of Lot 2 will not provide access to 11200 North Street except by a private drive.
4. There will be no connection from Manor Drive/Magnolia Drive to Snowflake Drive due to concerns that connecting those roads would provide a dangerous thoroughfare. There will be a 10' pedestrian access inside of a 35' PUE between the two roads. The 10' pedestrian access will be dedicated to and owned by the City.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at the Planning Commission meeting was sent to all residents within 500' of the subject property. Notice of this public hearing was also posted on the state and city websites on August 17, 2023. At the time of this report writing, staff has received one public comment.

STAFF REVIEW:

Zoning

- The property is designated as Low-Density Residential in the General Plan Land Use Map. It is zoned R-1-40.
- The properties directly north, east, and west of the proposed project are zoned R-1-40. The properties directly to the south are zoned Non-Conforming R1-20. The proposed subdivision is compatible with the surrounding uses.

General Plan

- The property is in compliance with the Highland City General Plan.

Access and Utilities

- Road access to the site will be from Manor Drive on the south/west side. Access on the east side will be via Snowflake Drive. The proposed road configuration provides access to the development that meets fire code and city requirements for connectivity and also resolves cul-de-sac/access issues with Manor Drive on the south and Snowflake Drive/Mill Iron Circle on the east.
- Utilities will be primarily from Snowflake Drive on the west, within the 10' pedestrian access/35' PUE.
- City has requested that developer extend sewer down into Manor Drive in order to provide sewer service to the northern lots on Manor Drive, which currently have no access to sewer. The City will reimburse the developer for the sewer extension costs, as the sewer extension is not needed for the Magnolia Estates development.

FINDINGS:

With the proposed stipulations, the preliminary plat meets the following findings:

- The preliminary plat is consistent with the General Plan.
- The preliminary plat is compliant with R-1-40 Zoning requirements.
- The proposed subdivision meets applicable requirements in the Highland City Design Criteria for Public Improvements.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

MOTION TO RECOMMEND APPROVAL:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the preliminary plat for the Magnolia Estates subdivision subject to the stipulations recommended by Staff.

ATTACHMENTS:

1. Proposed Preliminary Plat

MAGNOLIA ESTATES, PLAT "A", PRELIMINARY PLAT

Located in the Northwest Quarter of Section 31, T4S, R2E, SLB&M
4697 W. 11200 N., Highland, Utah County, Utah

NORTHWEST CORNER OF SECTION 31
TOWNSHIP 4 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
NAD 83 COORDINATES:
N= 7,327,513.37'
E= 1,564,297.95'
NGVD 29 ELEVATION: 4946.68'
UTAH COUNTY TIE SHEET 48-10
BRASS CAP MONUMENT

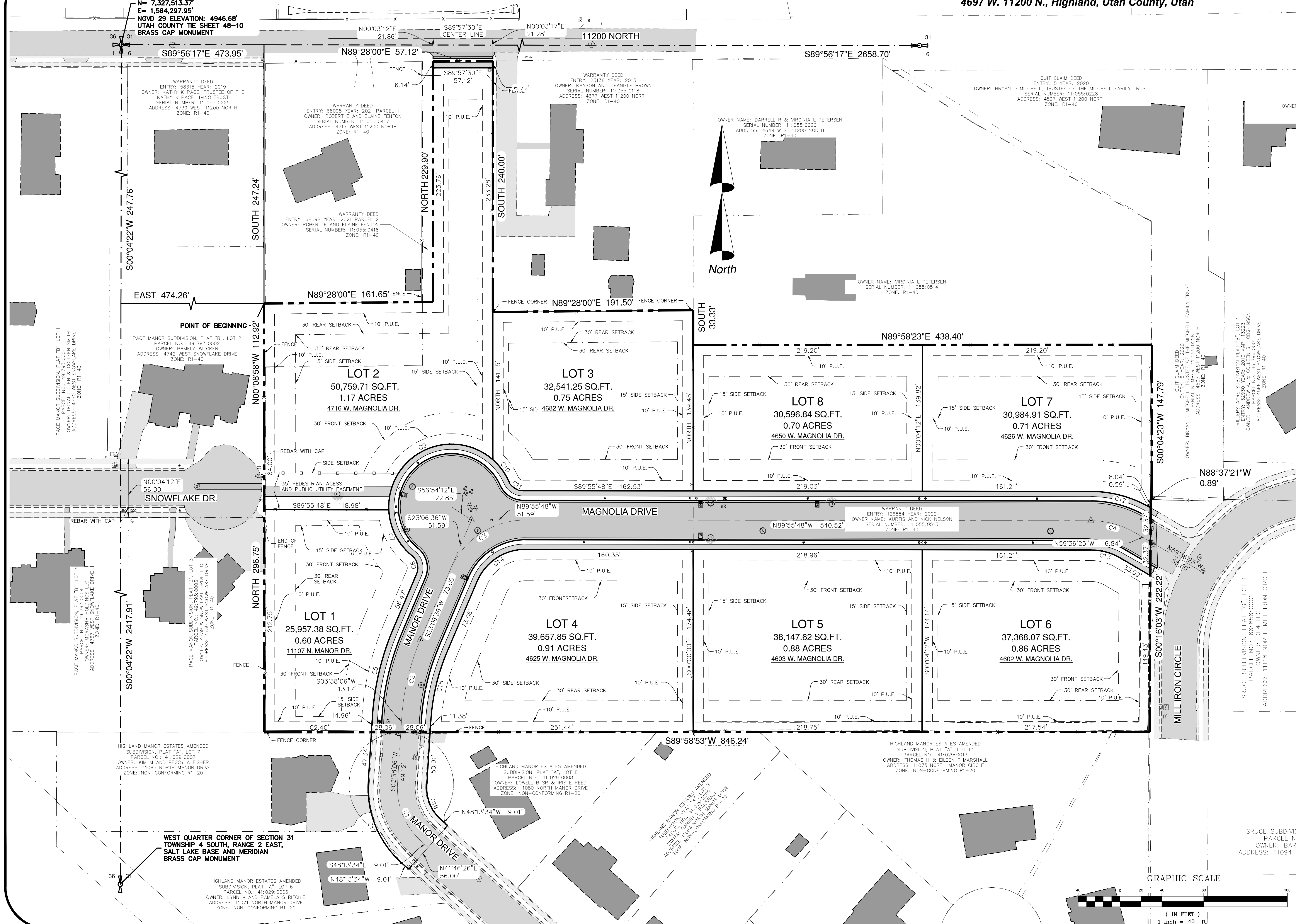
DRAFT
SEAL

A.L.M. & Associates, Inc.
Engineering · Surveying · Development · Planning
2230 North University Parkway, Building 6D, Provo, Utah 84604 ph: (801) 374-6262

MAGNOLIA ESTATES, PLAT "A"
HOME 66, LLC
PRELIMINARY PLAT

No.	Revision	Date

C1.1
OF SHEETS
Proj # 1093-2156



GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

THIS DOCUMENT IS THE PROPERTY OF A.L.M. & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF A.L.M. & ASSOCIATES, INC. 05 Jul 2023 2:50pm



PLANNING COMMISSION AGENDA REPORT ITEM #4

DATE: August 29, 2023
TO: Planning Commission
FROM: Jay Baughman, Assistant City Administrator/Community Development Director
SUBJECT: PUBLIC HEARING/ORDINANCE: Text Amendment - Professional Office Zone
TYPE: DEVELOPMENT CODE UPDATE (LEGISLATIVE)

PURPOSE:

The Planning Commission, having held a public hearing during the July 25 Planning Commission meeting, will continue its discussion and consideration of a request by Patterson Homes to amend to Article 4.9 Professional Office (“P.O.”) to remove the illustrative exhibits associated with the zone and allow for the landscape and architectural plans to meet the regulations outlined in the code. The Planning Commission will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission consider the applicant’s proposed amendment and narrative, and decide whether or not to remove the exhibits associated with the P.O. Zone. If the Planning Commission determines the existing landscaping and architectural requirements in the P.O. Zone are sufficient to meet the purpose and intent of the P.O. Zone, staff recommends the Planning Commission recommend **APPROVAL** of the proposed amendment. If the Planning Commission determines that it desires a “design book” review, and it is satisfied with proposed design book from the applicant, staff recommends the Planning Commission recommend **APPROVAL** of the proposed amendment with the additional language proposed by staff and the approved design examples from the applicant.

PRIOR COUNCIL DIRECTION:

Not applicable.

BACKGROUND:

The Professional Office (P.O.) Zone was adopted in December 2003. As part of the ordinance, illustrative exhibits were attached and referenced throughout the code.

For the last few building pads that have received site and architectural approvals from the City, an ordinance was approved with each, amending the Development Agreement associated with the property. Because of the recent Legislative Update relating to land use laws, it is more apparent that in order to deviate from any of these exhibits, it is necessary to go through the code amendment process.

Scott Dunn recently submitted site plan and conditional use permit applications for the building pad located at approximately 11164 N Highland Blvd. As part of staff's review of the plans, staff commented that if the applicant would like to deviate from the original exhibits adopted with the Ordinance-2003-22, the applicant would need to submit a development code amendment to either update the exhibits, or remove them.

SUMMARY OF THE REQUEST:

1. The proposed amendment removes the requirement that all development must be consistent with the landscape plan and architectural details attached to the ordinance. The proposed amendment does not remove the exhibit for the master site plan associated with the zone.
2. The amendment clarifies that each architectural design shall be submitted and approved by the Planning Commission prior to building approval.

CITIZEN PARTICIPATION:

A public hearing was held during the July 25 meeting. Notice of the public hearing was posted on the state and city websites July 13, 2023. No comments were received.

STAFF REVIEW:

- As noted in the applicant's narrative, there have been several technological advancements that have changed the way buildings are designed and constructed since these architectural exhibits were adopted. The architectural exhibits referenced in the P.O. Zone limit the architecture to specific building materials (cultured stone, shingle siding, wood trim, stone trim, and heavy grade asphalt for the roofing material). The P.O. Zone itself prohibits specific materials in Section 3-4922 Architectural Design. By simply prohibiting specific materials, and not specifying which materials are permitted, the code gives flexibility for technological advancements in building materials.
- Section 3-4919 Roof Design prohibits specific materials and roof designs that were determined either unsightly or because of their poor performance:
 1. Materials
 - a. Untreated aluminum or metal (except that copper may be used)
 - b. Reflective materials
 - c. Brightly colored roofing materials such as bright red, blue, yellow, neon colors, or similar colors that are highly visible
 2. Shapes
 - a. Mansard or fake mansard roofs
 - b. Gambrel roofs
 - c. Curvilinear roofs
 - d. Domed roofs
 - e. Geodesic domes
 - f. Conical roofs
 - g. A-frame or modified A-frame roofs
- The Planning Commission should determine if Section 3-4911 Landscaping, Section 3-4919 Roof Design, and Section 3-4922 Architectural Design in the P.O. Zone are sufficient to meet the purpose and intent of the P.O. Zone.
 1. The purpose of the P.O. Zone, according to Section 3-4901 of the Development Code, is, "to define a range of goods and services which may be offered by

professional and service entities within the community and to establish guidelines for the physical development of such professional and service entities.”

2. The intent of the P.O. Zone, according to Section 3-4901 of the Development Code, to establish a standard for professional office and storage facility development and maintenance which:
 - a. Promotes the overall functionality, safety and visual attractiveness of professional office buildings, storage facilities, accompanying substructures, and surrounding landscape.
 - b. Promotes architecture with a residential flavor;
 - c. Promotes development which works in harmony with the open, rural atmosphere of Highland City;
 - d. Prevents the erection of buildings or substructures with an industrial or a pre-fabricated appearance; and,
 - e. Allows some flexibility of architecture so as to encourage creativity of design.
 - f. Promotes the successful completion of the project and of the ability of professional and service entities to succeed by carefully reviewing financial statements and character references of developers, builders and users submitted to the Planning Commission.

On July 25, 2023, the Planning Commission reviewed the proposed amendment. The Commission indicated that it supported the amendment and the removal of the exhibits with the specific design from the PO Zone, but asked the applicant to submit a “design book” consisting of example materials, styles, and other building design considerations that would give parameters to the Planning Commissions future review of the architectural design of a building within the PO Zone. The applicant has provided several examples for the Planning Commission to review.

The proposed amendment could be modified as follows to incorporate the “design book” style review:

- 3-4901 “... All of the above must be consistent with the Site Plan attached hereto as Exhibit “A” and the approved design book containing example styles and materials, ~~the Landscape Plan attached hereto as Exhibit “B”, and the Architectural Details, attached hereto as Exhibit “C”.~~

FINDINGS:

If the Planning Commission decides to recommend **APPROVAL** of the proposed amendment with the design book review process, the following finding may be used:

- The landscape and architectural requirements in the P.O. Zone, as supplemented with the approved design book are sufficient to meet the purpose and intent of the zone outlined in the code.

If the Planning Commission decides to recommend **APPROVAL** of the proposed amendment, the following finding may be used:

- The landscape and architectural requirements in the P.O. Zone are sufficient to meet the purpose and intent of the zone outlined in the code.

If the Planning Commission decides to recommend **DENIAL** of the proposed amendment, the following findings may be used:

- The current landscape and architectural requirements and exhibits in the P.O. Zone are sufficient to meet the purpose and intent of the zone outlined in the code.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

MOTION TO RECOMMEND APPROVAL:

I move that the Planning Commission accept the finding that the regulations outlined in Article 4.9 are sufficient to be consistent with the purpose and intent of the P.O. Zone and recommend **APPROVAL** of the proposed amendment to Article 4.9 in the Development Code.

MOTION TO RECOMMEND DENIAL:

I move that the Planning Commission accept the finding that the regulations outlined in Article 4.9 are *not* sufficient to be consistent with the purpose and intent of the P.O. Zone and recommend **DENIAL** of the proposed amendment.

ATTACHMENTS:

1. Ordinance
2. Applicant's Narrative
3. Current Ordinance
 - a. Exhibit B – Landscape Plan
 - b. Exhibit C – Architectural Details
4. Potential design book examples from Applicant

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING ARTICLE 4.9 PROFESSIONAL OFFICE (“P.O.”) TO REMOVE THE ILLUSTRATIVE EXHIBITS ASSOCIATED WITH THE ZONE AND ALLOW FOR THE LANDSCAPE AND ARCHITECTURAL PLANS TO MEET THE REGULATIONS OUTLINED IN THE CODE AS SHOWN IN FILENAME TA-23-10.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 25, 2023 and

WHEREAS, the City Council held a public hearing on this Ordinance on August 1, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from August 1, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, August 1, 2023

HIGHLAND CITY, UTAH

Kurt Ostler
Highland City Mayor

ATTEST:

Stephannie Cottle
Highland City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

3-4901 Introduction: Purpose/Intent

The design guidelines provided herein for the Professional Office (“P.O.”) Zone has been devised as a method of achieving a high quality, cohesive design for professional office development in Highland City. These guidelines will serve as design criteria to developers, builders, engineers, architects, landscape architects and other professionals in preparing plans for construction. In addition, these articles will lend guidance to staff, the Planning Commission and the City Council in the review and evaluation of future development projects related to professional office development. There are certain key design elements which contribute significantly to the visual order and consistency of the entire professional office area. These common features--site planning, architecture, landscape design, parking, signage, lighting and other details--are the subject of this ordinance. The guidelines express the desired character of future development. Each guideline shall be considered in terms of how it applies to a given project. The intent of the guidelines must be met in order for a project to be approved during the plan review process. All of the above must be consistent with the Site Plan attached hereto as Exhibit “A”, ~~the Landscape Plan attached hereto as Exhibit “B”, and the Architectural Details, attached hereto as Exhibit “C”.~~

1. The purpose of this ordinance is to define a range of goods and services which may be offered by professional and service entities within the community and to establish guidelines for the physical development of such professional and service entities.
2. The overall intent of these regulations is to establish a standard for professional office and storage facility development and maintenance which:
 1. Promotes the overall functionality, safety and visual attractiveness of professional office buildings, storage facilities, accompanying substructures, and surrounding landscape;
 2. Promotes architecture with a residential flavor;
 3. Promotes development which works in harmony with the open, rural atmosphere of Highland City;
 4. Prevents the erection of buildings or substructures with an industrial or a pre-fabricated appearance; and,
 5. Allows some flexibility of architecture so as to encourage creativity of design.
 6. Promotes the successful completion of the project and of the ability of professional and service entities to succeed by carefully reviewing financial statements and character references of developers, builders and users submitted to the Planning Commission.

(Adopted: 12/16/2003)

3-4905 Site Coverage

Coverage regulates the area of the site that may be covered by the building footprint. Covered walkways, roof structure overhangs, and other solar protection or aesthetic structural elements should not be included in building coverage calculations. These guidelines also help protect area dedicated to landscape and parking. Site Coverage shall conform with the Building SF located in the Lot Calculations on Exhibit “A”.

1. Coverage of a site by a building structure shall not exceed thirty (30) percent of the total site. This coverage may be increased, subject to the approval of the City Planning Commission, if the

project demonstrates superior response to the professional office zoning guidelines. In no case, however, shall site coverage exceed 40 percent.

2. In all site plan configurations, landscaping and/or natural open space shall occupy no less than thirty-five percent (35%) of the total land area under development, with minor deviations being allowed as approved by the Planning Commission. All landscaping plans and open space designations must be approved by the Planning Commission.

(Adopted: 12/16/2003)

3-4907 Building Height

The maximum height of any building in the Professional Office zone shall not exceed thirty-five (35) feet. The height is measured from one location along ~~the highest~~ any elevation where the “Grade of Building” (as defined in 10-102~~(23))~~) to the highest part of the building is at its greatest vertical distance. ~~On sloped lots where the grade difference exceeds four feet in elevation t~~The ~~averaged~~ maximum “Height of Building” (as defined in 10-102~~(26))~~) in the Professional Office Zone shall not exceed thirty-five (35) feet. No building shall be constructed to less than the height of 10 feet or one story above finished grade.

(Adopted: 12/16/2003) (Amended 6/7/05)

3-4911 Landscaping

The following guidelines for landscaping shall apply to all developments within the professional office district:

1. Landscaping shall enhance the overall visual appearance of the development.
- ~~2. A fully dimensioned comprehensive landscaping site plan, attached hereto as Exhibit “B”, and incorporated herein as a specific requirement of this zone, shall include, but not be limited to:~~
 - ~~1. List of plants~~
 - ~~2. Size~~
 - ~~3. Location~~
 - ~~4. Irrigation plan~~
 - ~~5. Hardscape~~
2. A fully dimensional, comprehensive site-landscape plan shall be submitted and approved by Planning Commission prior to each building approval and shall include a minimum of:
 1. List of Plants
 2. Size
 3. Location
 4. Irrigation Plan
 - ~~5. Hardscape~~
3. Minimum caliper for all trees shall be 2" and minimum shrub size shall be one gallon.
4. The City may require that landscaping plans be prepared by a registered landscape architect.
5. When inorganic ground cover is used, it shall be in combination with live plants.
6. All landscaping shall have an automatic irrigation system.
7. Installation. All required landscaping shall be properly installed, irrigated, and maintained prior to use inauguration or occupancy of each specific building site.

8. Maintenance. Maintenance of approved landscaping shall consist of regular watering, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.
9. Front Setback Areas. Landscaping in these areas shall consist of an effective combination of street trees, trees, ground cover, and shrubbery continuously along all public rights-of-way less area for drive entrances. Areas on the East and South side of Highland Blvd shall be a minimum of five (5) feet wide. Areas on the West and North side of Highland Blvd shall be a minimum of twenty (20) feet wide. Where appropriate, setback areas shall be bermed.
10. Other Setback Areas. The entire area between the side and rear property lines and a point ten (10) feet in back thereof will be landscaped, except for any access driveway in said area. Natural landscaped areas & the preservation of natural open space is encouraged.
11. At Intersections. Landscaping along all streets and boundaries shall be limited to a height of not more than three (3) feet within the area required for minimum sight distance as specified in the AASHTO Policy on Geometric Design for the following intersections.
 1. A vehicular trafficway or driveway and a street;
 2. A vehicular trafficway or driveway and a sidewalk;
 3. Two or more vehicular traffic ways, driveways, or streets.
12. Other Non-Parking Areas. All unpaved areas not utilized for parking and storage shall be landscaped utilizing ground cover shrub and tree materials, and/or dry landscaped materials.
13. Parking Areas. Landscaping shall be separated from the parking area by wall or curb at least six (6) inches higher than the parking area.
14. Total Landscaping. In all cases of professional office development, landscaping and natural open space shall occupy no less than thirty-five percent (35%) of the total land area under development.

(Adopted: 12/16/2003)

3-4922 Architectural Design

The architectural design (including design, rendering, and a list of building materials) of each professional office building and the storage shed complex ~~shall be submitted and approved by Planning Commission prior to each building approval. are attached hereto as Exhibit "C" and incorporated herein as a specific requirement of this zone.~~ The location of each building on the site plan is designated in Exhibit "A", which locations are also incorporated herein as a specific requirement of this zone. Prior to the issuance of building permits for any permitted or conditional use within the Highland City Professional Office District, the City Planning Commission shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this and other sections of Article 4.9 of Highland City's P.O. Zone. Appeals of actions on architectural compliance may be heard by the City Council.

1. Overall Architectural Outline.
 1. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
 2. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
 3. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.

4. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
 5. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
 6. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
 7. All building elevations shall be architecturally treated.
 8. Both sides of all perimeter walls or fences shall be architecturally treated, except for the side that is inside a storage building
 9. Each licensed business will provide public rest rooms of sufficient size to service potential customers including men and women. The rest rooms shall be designed in accordance with the UBC to accommodate handicapped persons.
2. Architectural Guidelines. The following architectural design guidelines apply to all permitted and conditional uses in the Highland City Professional Office District:
1. The siding materials listed below are prohibited in any P.O. building in Highland City:
 1. Weeping mortar
 2. Plastic or vinyl siding
 3. Lava rock
 4. Asphalt or hardboard siding
 5. Plywood siding
 6. Stucco walls divided by wood dividers
 7. Metal grills and/or facades
 8. Non-colored-anodized and/or unpainted aluminum, except for flagpoles.
 9. Aluminum siding
 2. Architectural design in Highland City has primarily been simple. Highly ornate buildings are inconsistent with the architecture of the community and shall be prohibited.
 3. Different exterior siding materials add interest to a building, and to the community as a whole, however, the use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining properties. Exterior walls of any building may be sided with up to three different materials per building, but no more than three materials may appear on any one wall, including ornamental siding. Trim shall not be counted as a siding material. If trim covers more than 10% of a side of the building, it shall be counted as a siding material on that side.
 4. Colors shall be limited to soft shades and/or earth tones. No bright or neon colors shall be allowed on exterior of buildings.

(Adopted: 12/16/2003)

3-4925 Submittal Requirements

All permitted uses proposed for development under this Article shall be subject to site plan review according to Highland City Development Policy. There shall be submitted to the Planning Commission a plan for the use and development of each tract for the purposes of and meeting the requirements set forth in this ordinance. Said plan shall be accompanied by information concerning the number of persons to be employed, the effects on surrounding property, and other physical conditions, including the effect of the project on adjacent streets and shall include the following:

1. A site plan showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, the location of roads, driveways, signs, and walks, the spaces for loading, location of garbage containers, and location of utilities.
- ~~1.2. A landscaping plan that meets the requirements of section 3-4911 of this ordinance and the character and extent of landscaping, planting and other treatment for adjustment to surrounding property.~~
- ~~2.3.~~ Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
- ~~3.4.~~ Elevations and/or architectural renderings of buildings' facades facing public rights-of-way and district boundaries where the premises abut areas zoned for residential uses, said elevations or renderings being sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building.
- ~~4.5.~~ Any additional information as required by the Planning Commission to evaluate the character and impact of the proposed development.
- ~~5.6.~~ Additional requirements associated with a Conditional Use Permit application, see General Provision Section.

(Adopted: 12/16/2003)

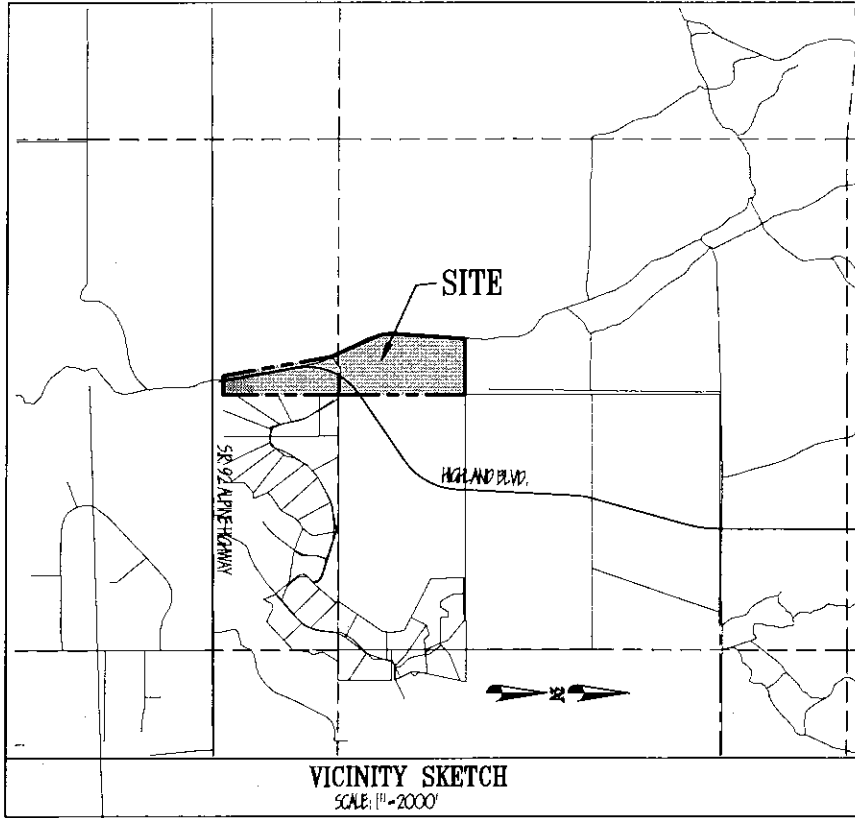
Applicant's Narrative

The architectural standards referenced in the original PO zone ordinance were tied to a specific set of building plans and materials. As time has passed (20 years), the plans referenced as exhibit "B" and "C" are noticeably outdated by architectural standards, and therefore, a need has emerged to update these outdated architectural standards. Some of the reasons to updated architectural standards are listed below:

1. **Technological Advancement.** Over the years, technological advancements have changed the way we design and construct buildings, such as advanced modeling software. These innovations have opened up new possibilities for architectural design. Updating old architectural standards allows architects to leverage the most current technologies, creating more efficient, sustainable, and visually stunning structures.
2. **Evolving Lifestyles and Needs.** The old architectural standards failed to account for the changing demands of business. Today, there is a greater emphasis on flexibility, adaptability, and inclusivity in architecture. Updating the old architectural standards helps architects design spaces that cater to diverse populations, accommodate new technologies, and provide for changing work and living patterns.
3. **Cultural Context and Identity.** Old standards neglect the rich diversity and cultural nuances of our community. Updating the old architectural standards promotes a more inclusive approach, respecting and incorporating local aesthetics and materials.

The proposed amendment keeps the guidelines provided for the City and Owners architectural design criteria but removes the references to specific plans and building materials designed 20 years. The proposed amendment allows flexibility in architectural design, while still providing that each building plan be submitted and approved by the Planning Commission. This will allow architects to design with the most current technology and deliver products that meet the current needs of businesses that look relevant with the current design, all while including the City Planning Commission to ensure that the structures meet the local aesthetics.

SUNSET MOUNTAIN PROPERTIES LANDSCAPE ANALYSIS & PLAN



LANDSCAPE NOTES

THE PURPOSE OF THIS LANDSCAPE ANALYSIS AND PLAN IS TO ESTABLISH LANDSCAPE GUIDELINES THAT WILL BE FOLLOWED TO ENHANCE THE PROPOSED SUNSET MOUNTAIN PROPERTIES PROJECT AND LESSEN ITS IMPACT ON ADJOINING PROPERTIES. THE PLAN CONSISTS OF THE MAIN ITEMS LISTED BELOW.

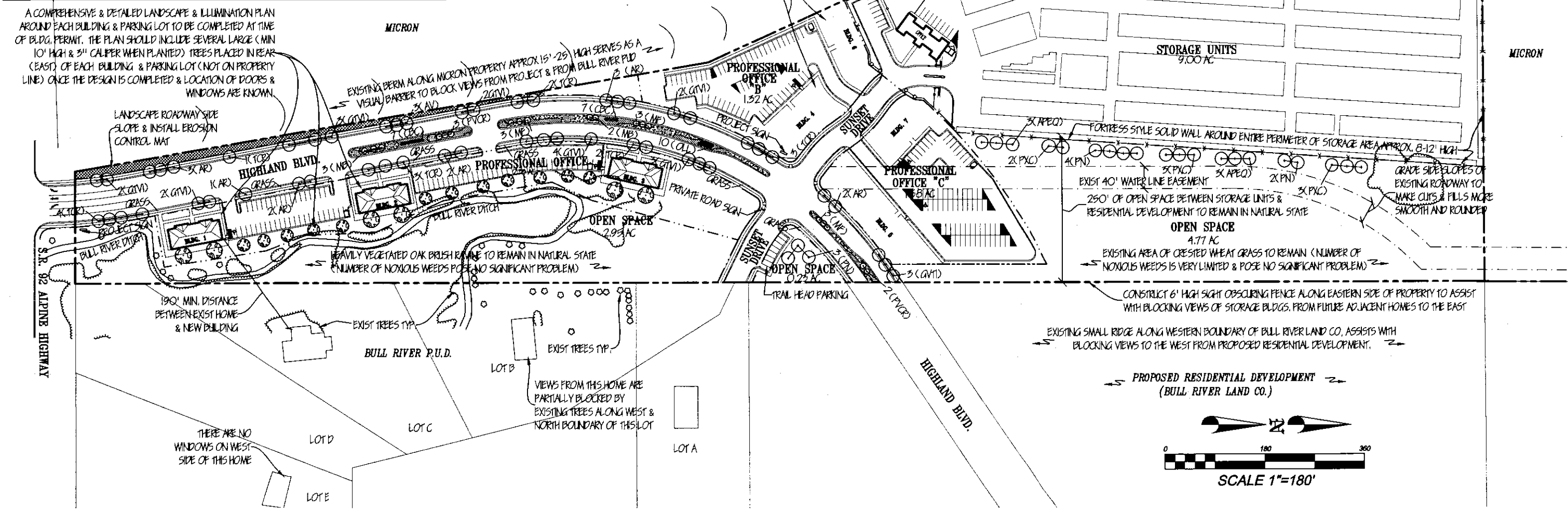
1. COMPLETELY LANDSCAPE THE HIGHLAND BLVD. ROADWAY RIGHT-OF-WAY INCLUDING THE MEDIAN AND PLANTER STRIPS ON THE SIDE. THIS PLAN GIVES DETAILS OF THOSE PROPOSED ACTIONS.
2. ENHANCE AND MAINTAIN THE EXISTING OPEN SPACE ON THE EAST SIDE OF THIS DEVELOPMENT (BOTH THE DRIER, MORE OPEN, NORTHERLY AREA AND THE SOUTHERLY, MORE HEAVILY VEGETATED, BULL RIVER DITCH AREA) AS SHOWN ON THIS PLAN. SEE NOTES ON THIS PLAN THAT DESCRIBE THE VIEWS, SCREENING, PLANTING, ETC. THAT ARE SUGGESTED.
3. LANDSCAPE AROUND THE NEW BUILDINGS & PARKING LOT AT TIME OF CONSTRUCTION. A COMPREHENSIVE & DETAILED LANDSCAPE & ILLUMINATION PLAN FOR EACH BUILDING AND PARKING LOT AREA WILL BE COMPLETED AT THE TIME OF EACH BUILDING PERMIT.
4. LANDSCAPING MAINTENANCE FOR THE ENTIRE PROJECT IS TO BE COMPLETED BY THE PROFESSIONAL OFFICE ASSOCIATION. EACH UNIT OR OWNER IS TO CONTRIBUTE AS PER THE CC&R'S TO BE ESTABLISHED.

LEGEND

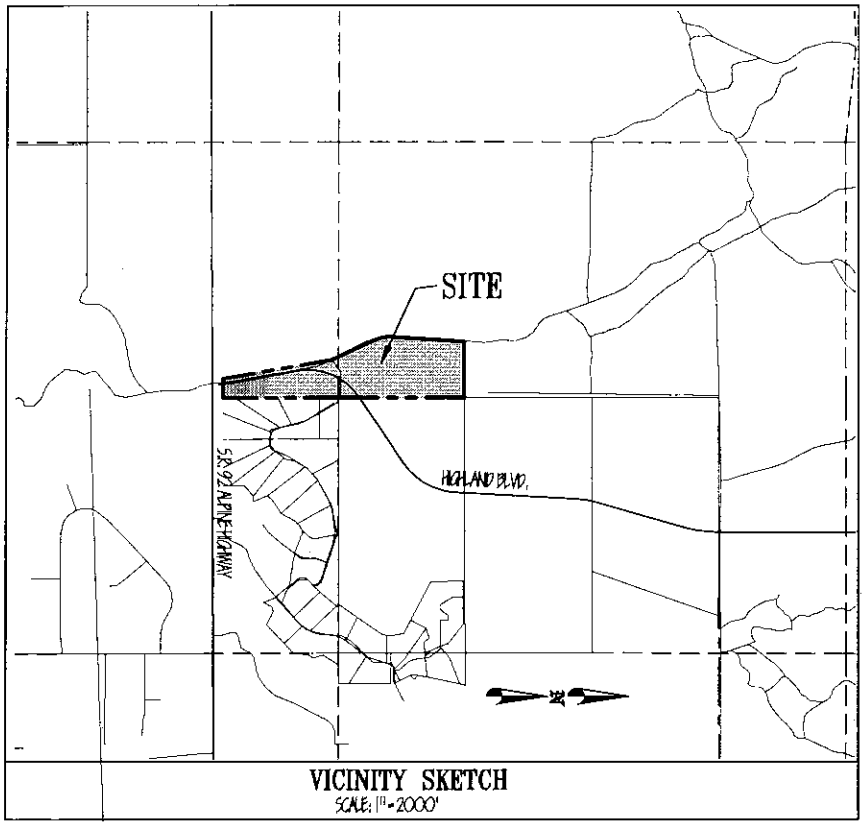
	MEDIUM BARK WITH PERENNIALS (SUCH AS YARROW, DAYLILY, LYSINE)
	3"-6" RIVER ROCK
	3'-4' LANDSCAPE BOULDERS
	STABILIZING WITH GROUND COVER

TREE PLANTING LIST

QTY	SYMBOL	BOTANICAL NAME	QTY	SYMBOL	BOTANICAL NAME
9	MF	MALUS FLORIBUNDA	11	CBC	CORAL BEAUTY COTONEASTER
5	PVCR	PRUNUS VIRGINIANA 'CANADA RED'	10	OLL	OPPA LYKEN LAUREL
8	PXC	POPULUS X CANADENSIS	21	GTVI	GLEDITSIA TRIACANTHOS VAR. INERMIS
15	TCR	TILIA CORDATA GREENSPIRE	9	PN	PINUS NIGRA
5	MB	MALUS BACCATA	6	APEQ	ACER PLATANOIDES "EMERALD QUEEN"
16	AR	ACER RUBRUM			



SUNSET MOUNTAIN PROPERTIES LANDSCAPE ANALYSIS & PLAN



LANDSCAPE NOTES

THE PURPOSE OF THIS LANDSCAPE ANALYSIS AND PLAN IS TO ESTABLISH LANDSCAPE GUIDELINES THAT WILL BE FOLLOWED TO ENHANCE THE PROPOSED SUNSET MOUNTAIN PROPERTIES PROJECT AND LESSEN ITS IMPACT ON ADJOINING PROPERTIES. THE PLAN CONSISTS OF THE MAIN ITEMS LISTED BELOW.

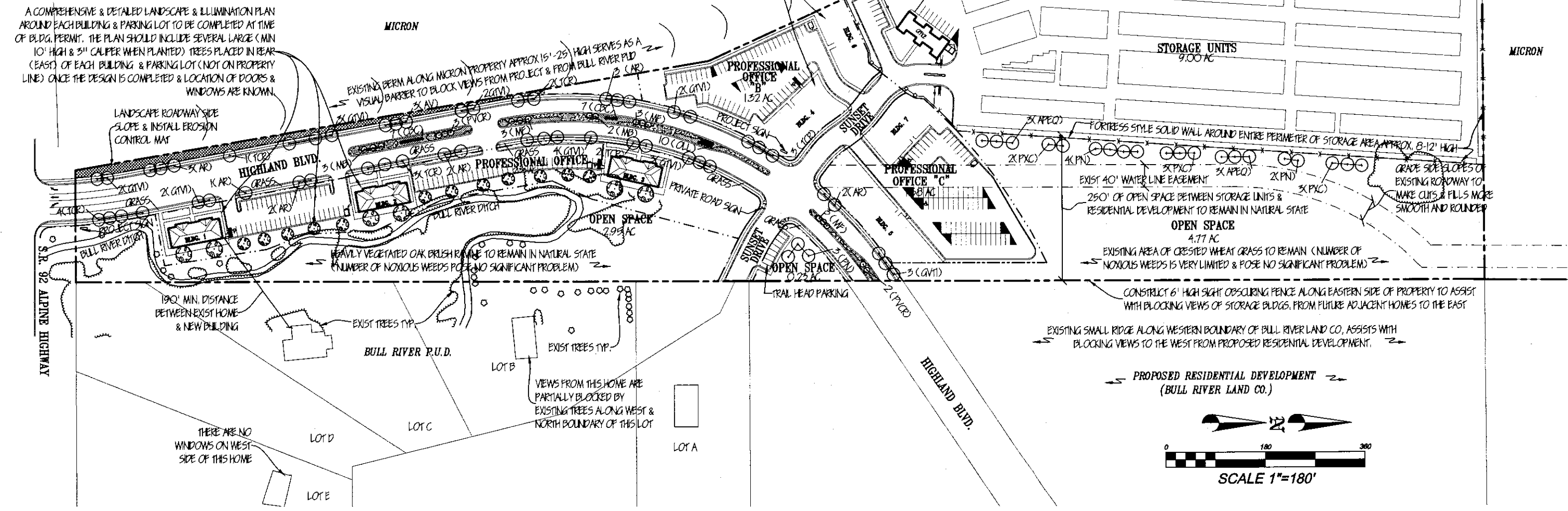
1. COMPLETELY LANDSCAPE THE HIGHLAND BLVD. ROADWAY RIGHT-OF-WAY INCLUDING THE MEDIAN AND PLANTER STRIPS ON THE SIDE. THIS PLAN GIVES DETAILS OF THOSE PROPOSED ACTIONS.
2. ENHANCE AND MAINTAIN THE EXISTING OPEN SPACE ON THE EAST SIDE OF THIS DEVELOPMENT (BOTH THE DRIER, MORE OPEN, NORTHERLY AREA AND THE SOUTHERLY, MORE HEAVILY VEGETATED, BULL RIVER DITCH AREA) AS SHOWN ON THIS PLAN. SEE NOTES ON THIS PLAN THAT DESCRIBE THE VIEWS, SCREENING, PLANTING, ETC. THAT ARE SUGGESTED.
3. LANDSCAPE AROUND THE NEW BUILDINGS & PARKING LOT AT TIME OF CONSTRUCTION. A COMPREHENSIVE & DETAILED LANDSCAPE & ILLUMINATION PLAN FOR EACH BUILDING AND PARKING LOT AREA WILL BE COMPLETED AT THE TIME OF EACH BUILDING PERMIT.
4. LANDSCAPING MAINTENANCE FOR THE ENTIRE PROJECT IS TO BE COMPLETED BY THE PROFESSIONAL OFFICE ASSOCIATION. EACH UNIT OR OWNER IS TO CONTRIBUTE AS PER THE CC&R'S TO BE ESTABLISHED.

LEGEND

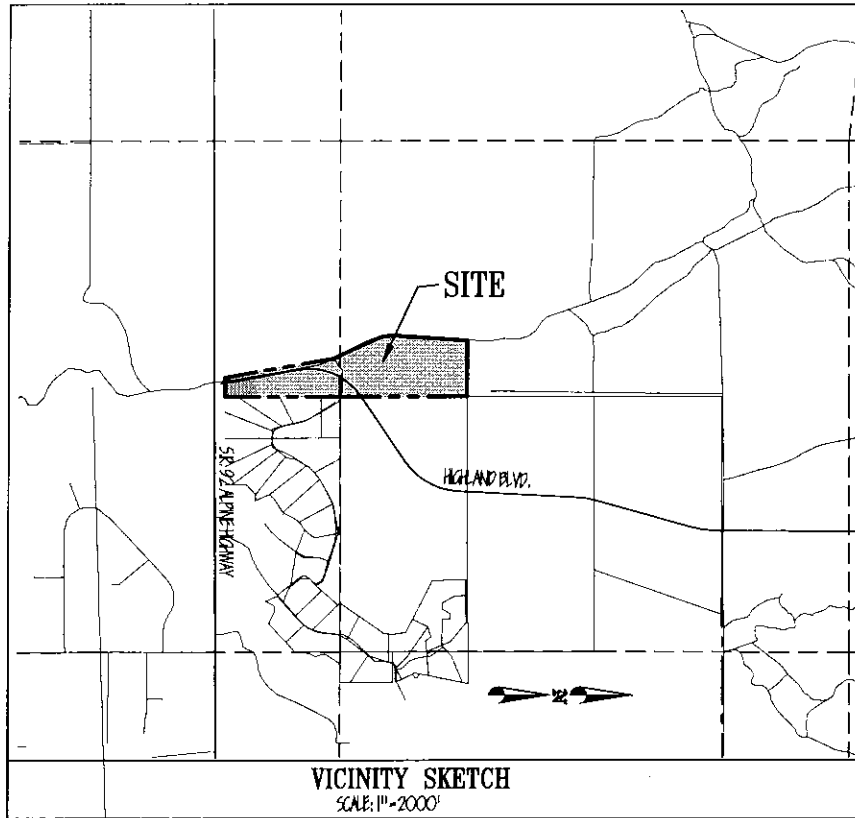
	MEDIUM BARK WITH PERENNIALS (SUCH AS YARROW, DAYLILY, LYSINE)
	3"-6" RIVER ROCK
	3'-4' LANDSCAPE BOULDERS
	STABILIZING WITH GROUND COVER

TREE PLANTING LIST

QTY	SYMBOL	BOTANICAL NAME	QTY	SYMBOL	BOTANICAL NAME
9	MF	MALUS FLORIBUNDA	11	CBC	CORAL BEAUTY COTONEASTER
5	PVCR	PRUNUS VIRGINIANA 'CANADA RED'	10	OLL	OPPA LYKEN LAUREL
8	PXC	POPULUS X CANADENSIS	21	GTVI	QUEDITSIA TRIACANTHOS VAR. INERMIS
15	TCR	TILIA CORDATA GREENSPIRE	9	PN	PINUS NIGRA
5	MB	MALUS BACCATA	6	APEQ	ACER PLATANOIDES "EMERALD QUEEN"
16	AR	ACER RUBRUM			



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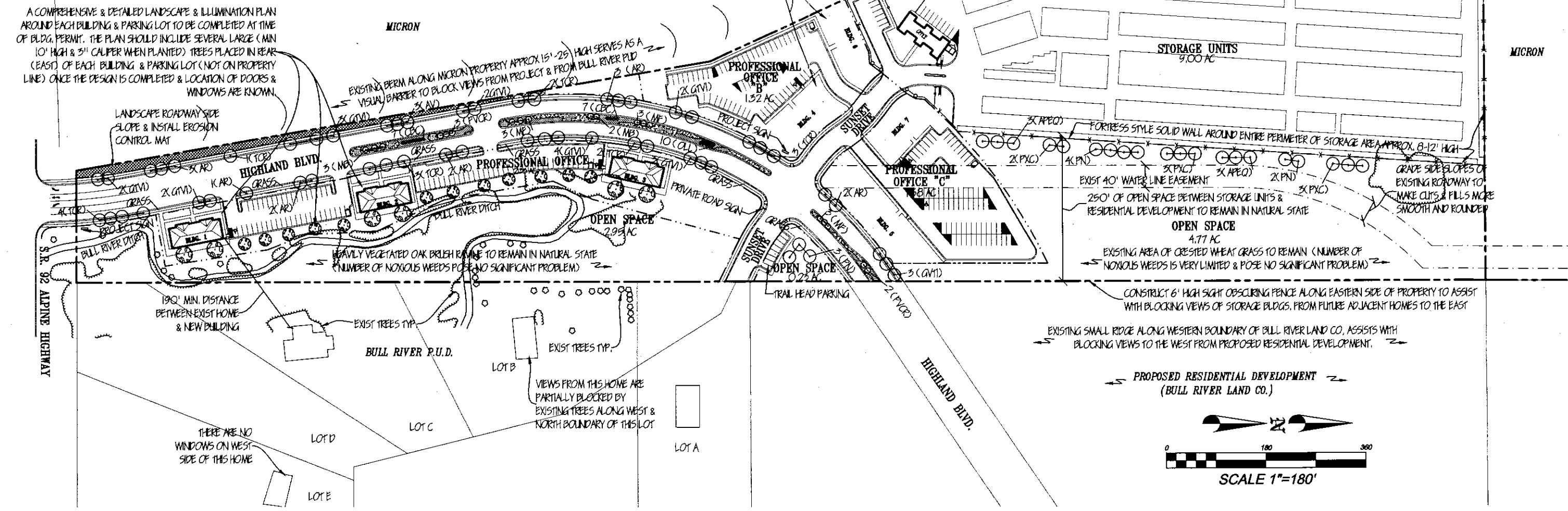
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16	AR	ACER RUBRUM			



BULL RIVER HOMEOWNERS ASSOCIATION

11 September 2003

COMMENTS and SUGGESTIONS
by HOMEOWNERS OF BULL RIVER
for the SUNSET MOUNTAIN DEVELOPMENT

BUILDING HEIGHTS

- The three southern buildings would be best if one story, especially the northern most.
- Finished materials will be used on exposed basement foundations.

COLORS

- Earth tones are preferred, please see samples.
- Roofing, architectural shingles in charcoal colors

LIGHTING

- Minimum lights on east side of buildings
- Controlled or directed lighting in parking areas
- Street lights should also be directed lighting

LANDSCAPING

- Preserve existing native vegetation
- Use a mix of evergreen and deciduous trees for new landscaping
- Some trees on the east side of the buildings to soften the visual impact
- Use trees to screen parking areas
- Trees in parking strips (both sides of road) and median area. This will help minimize the road noise, which is a major concern.
- Extend the landscaped median as far south as possible.
- The landscaping east of the storage units should be mass plantings in clumps to give a natural appearance.

Building 1

Building 1

Specifications:

One story building
3400 sq ft main floor
3000 sq ft basement

Building Materials

Front and sides-

Cultured Stone

Shingle Siding- hardy plank

Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

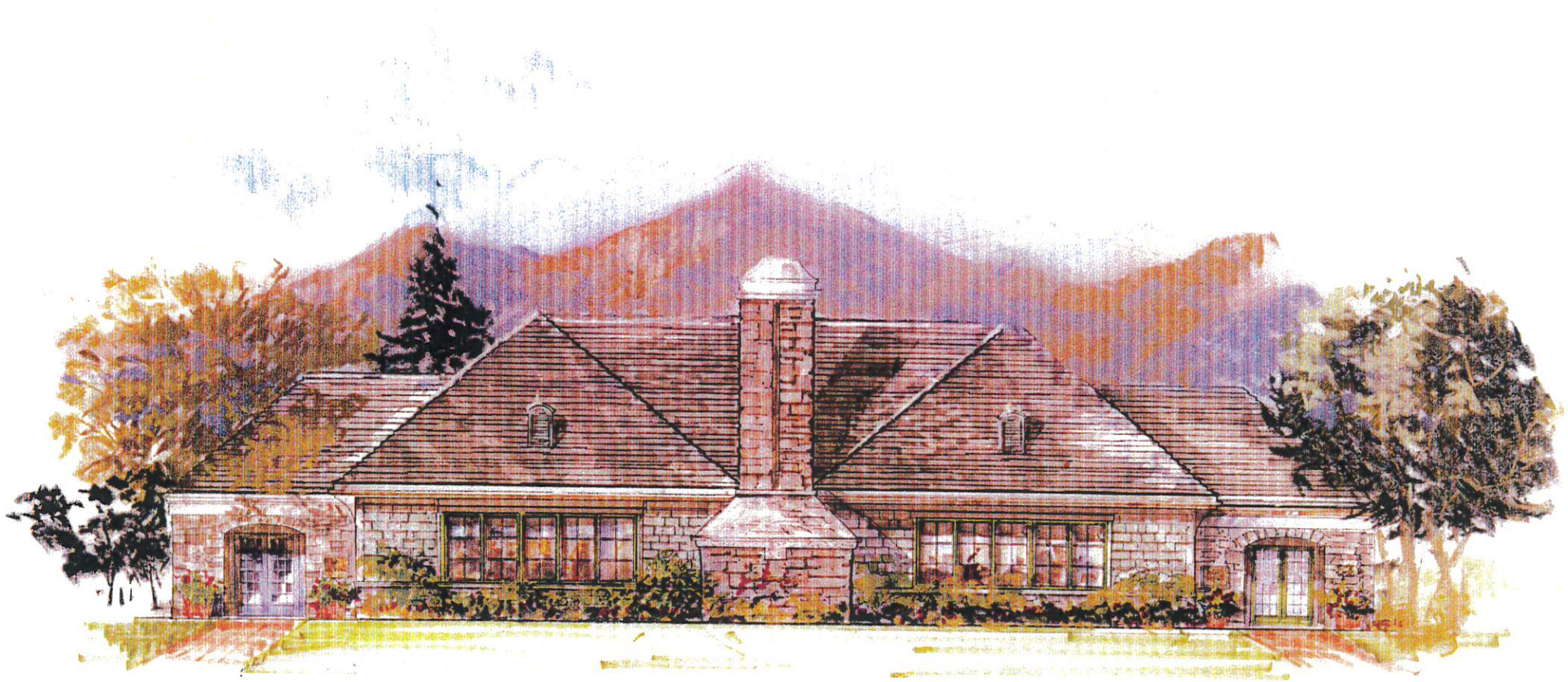
Colors- earth tones or muted variations as per renderings

Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)



Building 2

Building 2

Specifications:

One story building
3400 sq ft main floor
3000 sq ft basement

Building Materials

Front and sides-

Cultured Stone

Shingle Siding- hardy plank

Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

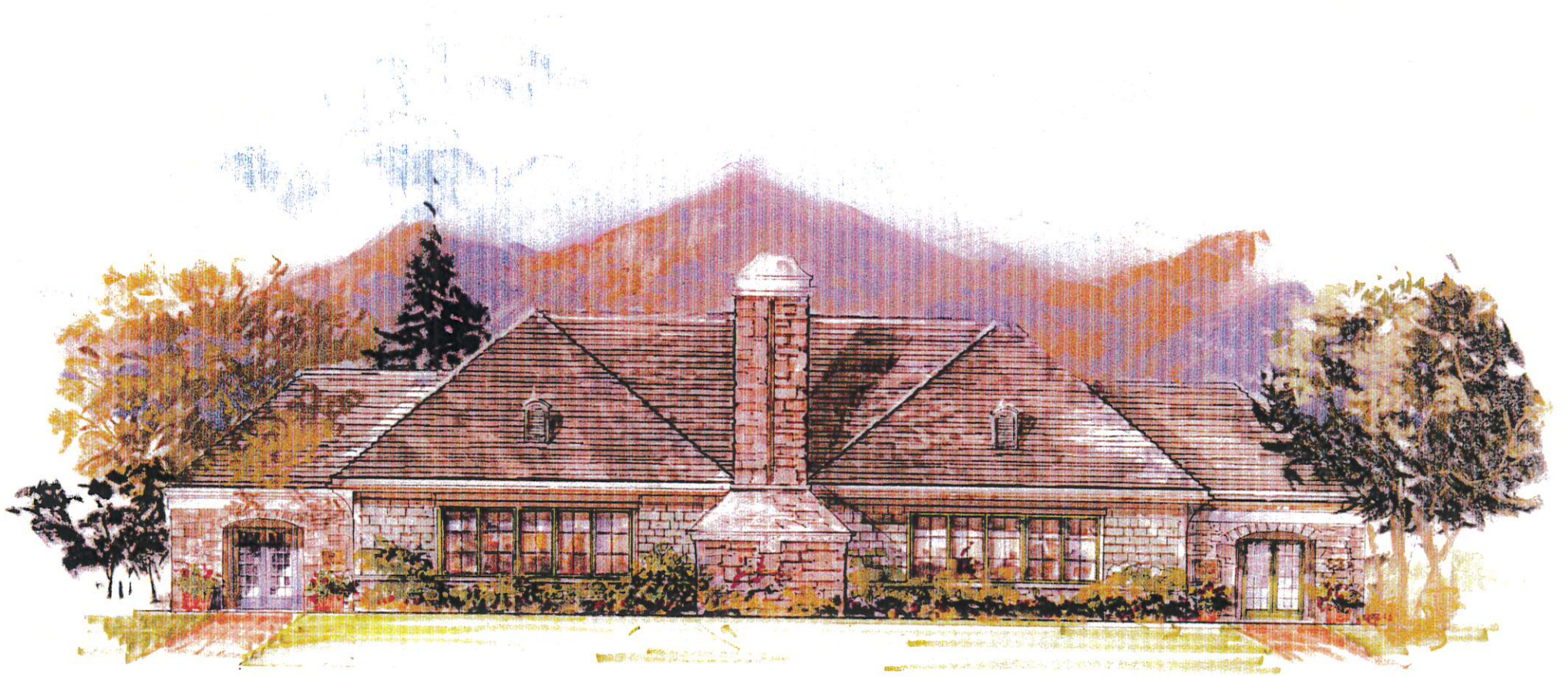
Colors- earth tones or muted variations as per renderings

Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)



Building 3

Building 3

Specifications:

One story building
3400 sq ft main floor
3000 sq ft basement

Building Materials

Front and sides-

 Cultured Stone

 Shingle Siding- hardy plank

 Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

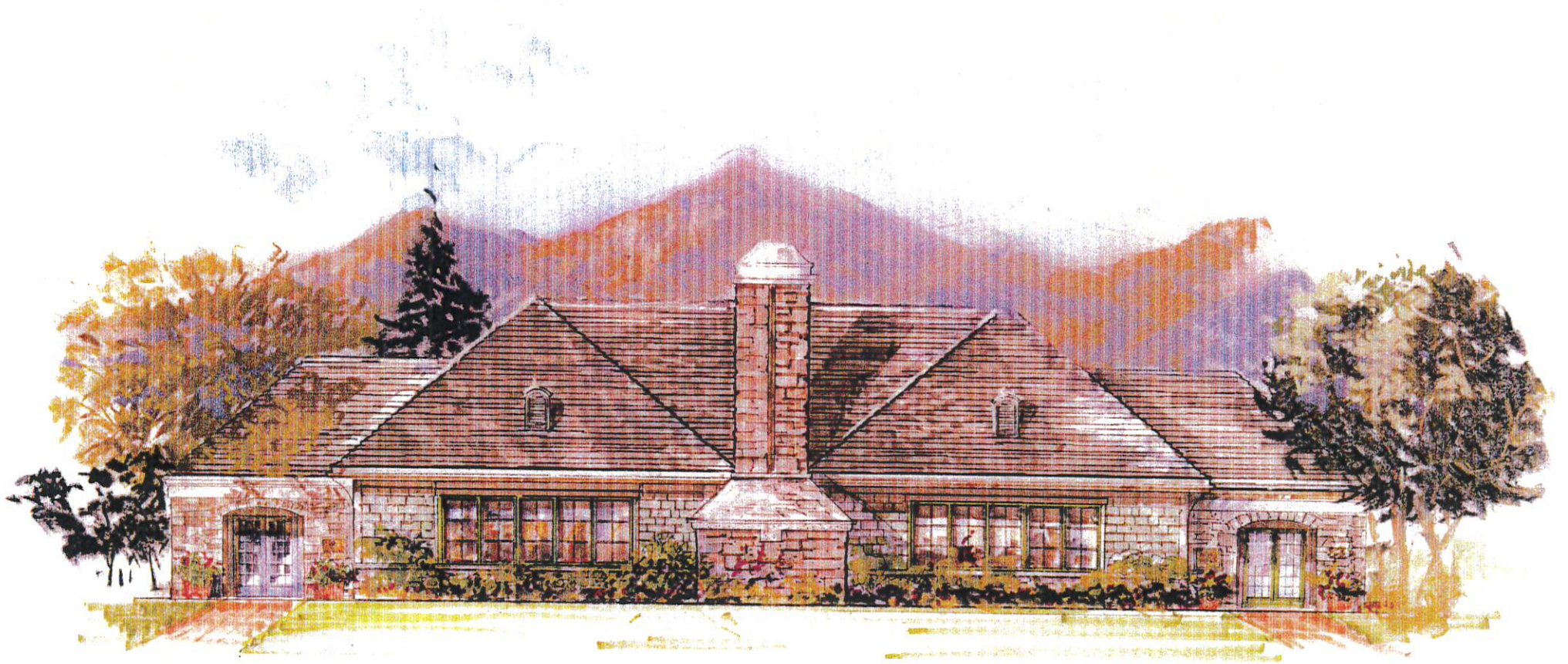
Colors- earth tones or muted variations as per renderings

 Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)



Building 4

Building 4

Specifications:

Two story building
3400 sq ft main floor
3000 sq ft upstairs
3000 sq ft basement

Building Materials

Front and sides-

Cultured Stone

Shingle Siding- hardy plank

Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

Colors- earth tones or muted variations as per renderings

Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)



Building 5

Building 5

Specifications:

Two story building
3400 sq ft main floor
3000 sq ft upstairs
3000 sq ft basement

Building Materials

Front and sides-

 Cultured Stone

 Shingle Siding- hardy plank

 Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

Colors- earth tones or muted variations as per renderings

 Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)



Building 6

Building 6

Specifications:

Two story building
3400 sq ft main floor
3000 sq ft upstairs
3000 sq ft basement

Building Materials

Front and sides-

 Cultured Stone

 Shingle Siding- hardy plank

 Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

Colors- earth tones or muted variations as per renderings

 Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)



Building 7

Building 7

Specifications:

Two story building
3400 sq ft main floor
3000 sq ft upstairs
3000 sq ft basement

Building Materials

Front and sides-

Cultured Stone

Shingle Siding- hardy plank

Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

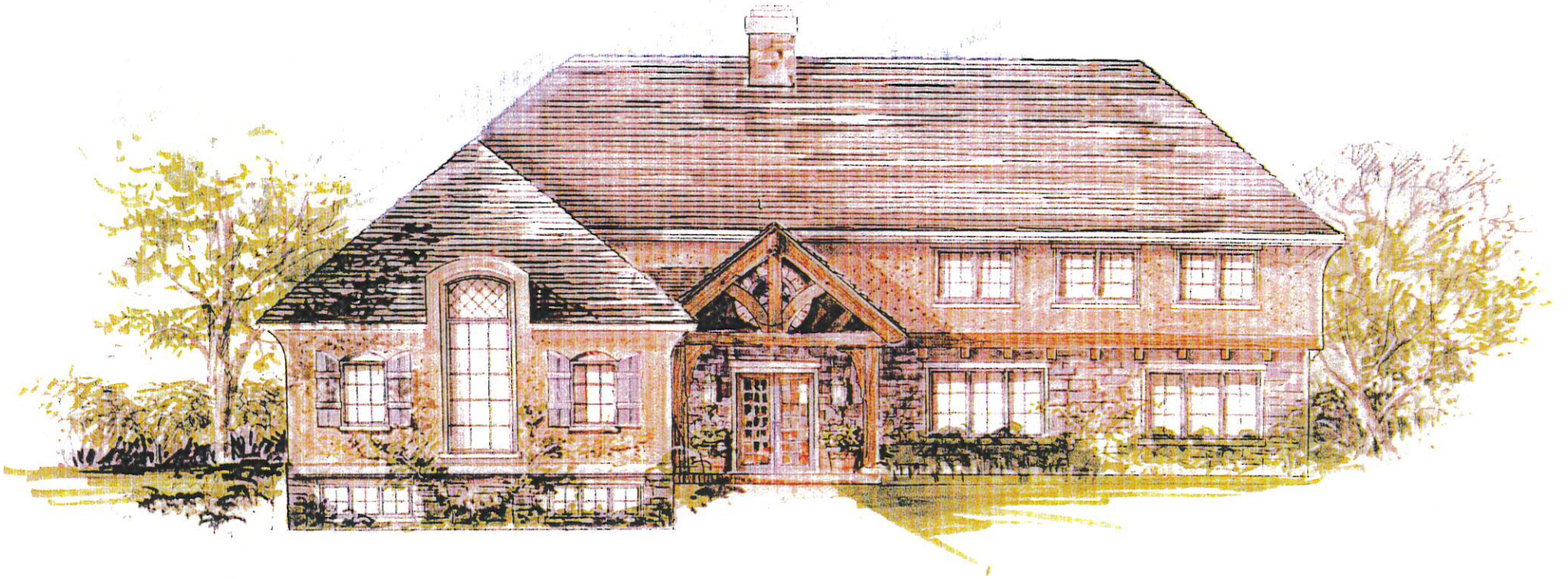
Colors- earth tones or muted variations as per renderings

Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)



Storage Area

Storage Office

Specifications:

Two story building
3400 sq ft main floor
3000 sq ft upstairs
3000 sq ft basement

Building Materials

Front and sides-

Cultured Stone

Shingle Siding- hardy plank

Wood Trim- resawn & stained facia material and/or natural timber

Rear- stone trim with stucco

Colors- earth tones or muted variations as per renderings

Emphasis on grey, brown and green

Matching colored window frames

Aged metal accents

Roofing Materials- Heavy grade asphalt 1/4" thickness (appearance of shingles)

Storage Sheds

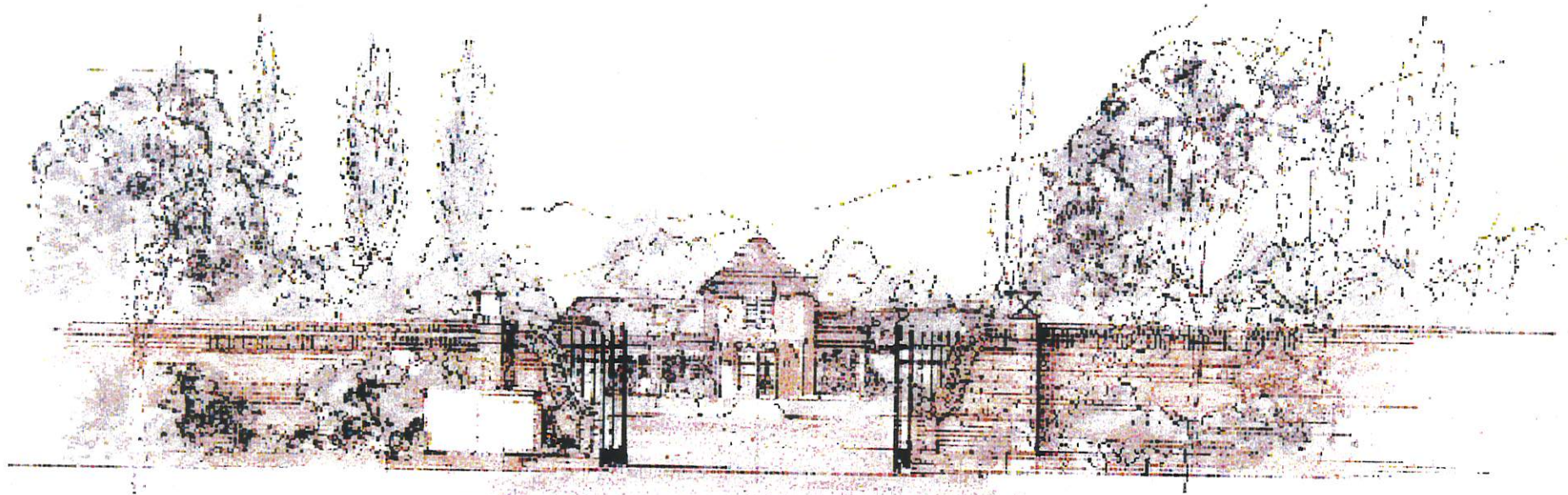
Brick and Wrought-Iron entry gate

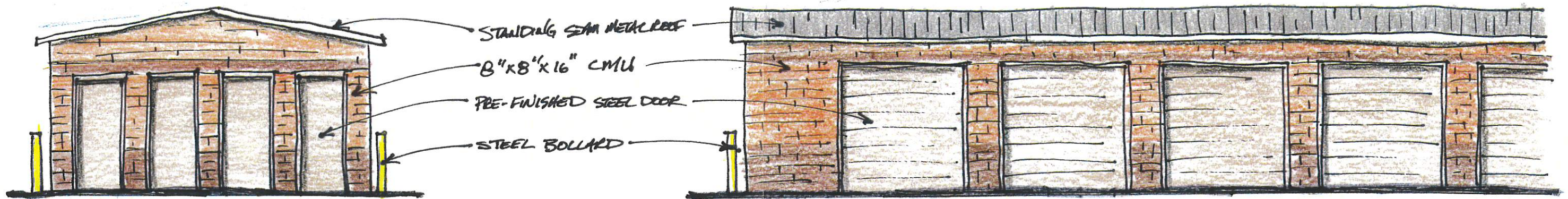
Colored cinder block outer and visible walls (plain cinder block wall adjacent to Lehi border/ Micron)

Colored metal roofing

Colors- earth tones or muted variations as per renderings

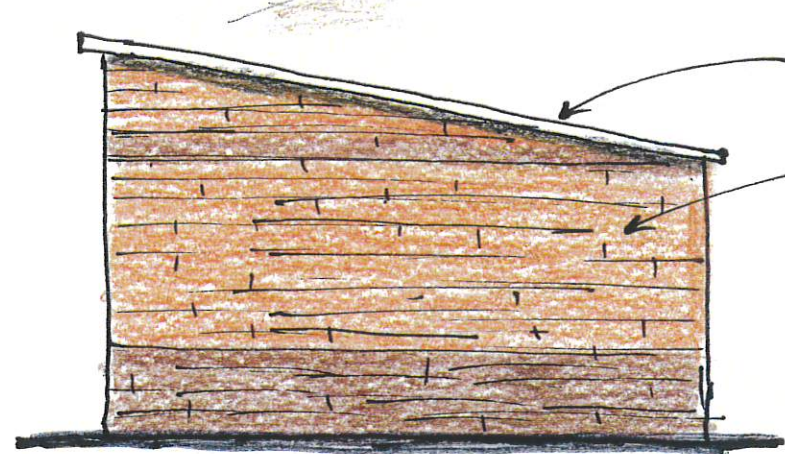






SIDE ELEVATION

FRONT ELEVATION

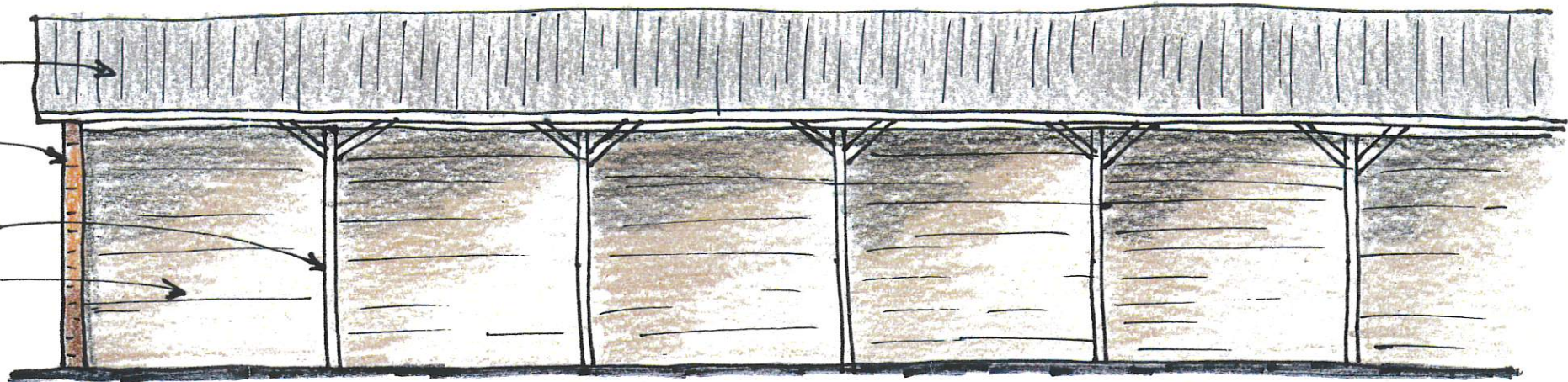


STANDING SEAM
METAL ROOF

8"x8"x16" CMU

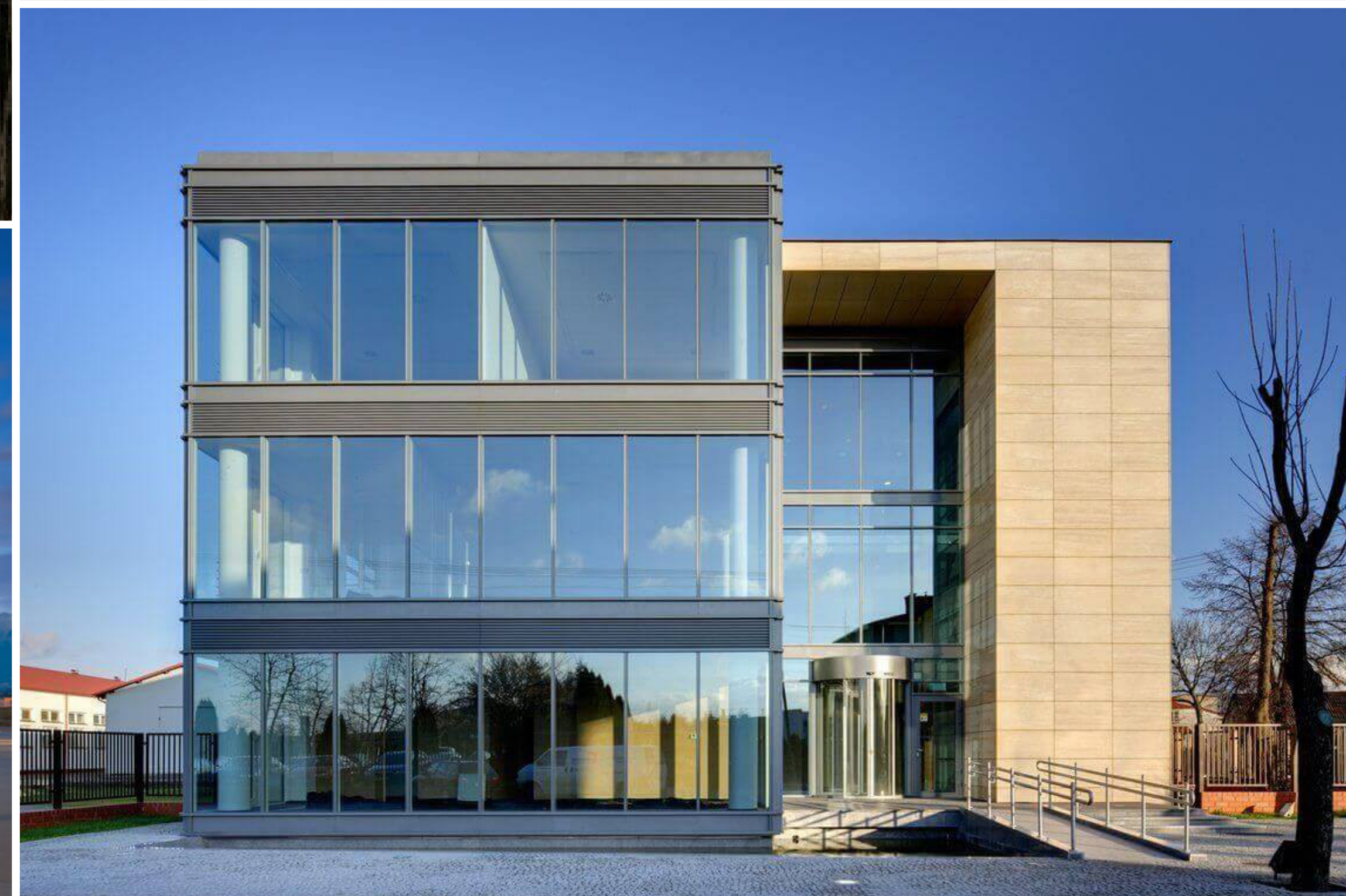
PAINTED GRG POST

OPEN BAY



SIDE ELEVATION

FRONT ELEVATION









PLANNING COMMISSION AGENDA REPORT ITEM #5

DATE: August 29, 2023
TO: Planning Commission
FROM: Jay Baughman, Assistant City Administrator/Community Development Director
SUBJECT: ACTION: Zoning Approval – Zaana Jewelry
TYPE: LAND USE (ADMINISTRATIVE)

PURPOSE:

The Planning Commission will consider a request by Zachary Fackrell to allow Zaana Jewelry—a jewelry ecommerce business—as a permitted use in the Professional Office Zone. The Planning Commission will take appropriate action. This request is a resubmittal of their previous application that was discussed at the June 27 Planning Commission meeting.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission review both the requested use’s compatibility with the allowed Professional Office uses in the Development Code, and Staff’s review and findings, and either **APPROVE** or **DENY** the requested use.

BACKGROUND:

The Development Code allows the following conditional uses in the Professional Office (P.O.) Zone:

1. Professional offices and services including but not limited to: architects, engineers, contractors, real estate offices, property managers, and mortgage and title offices.
2. Financial or legal offices consisting of but not limited to: banks, insurance offices, and law or accounting offices.
3. Medically related offices/services consisting of but not limited to: doctor's office, dentist's office, pharmacy, physical therapy, optometrists, chiropractors, counselors, and psychiatrists.
4. Other types of Professional Services including but not limited to: information technology services, marketing, travel and employment agencies, journalists, collection agencies, educational services, daycares, music studios, photography studios, churches, colleges & schools (academic, preschools, special education, indoor instruction only).
5. Art and craft galleries, and studios for the teaching of arts and crafts.
6. Storage sheds not exceeding nine (9) acres as set forth in Exhibit “A”.

If a use is not expressly listed as one of these conditional uses, the Planning Commission evaluates the use for compatibility with the intent and regulations of the P.O. Zone. The primary restriction in Development Code is that the P.O. Zone does not allow “general retail.”

The Planning Commission reviewed Zaana Jewelry's original application at the June 27, 2023 meeting. The Business License Application included a retail showroom and walk-in retail component. The Commission found that the application could be a valid conditional use except for the retail aspect. The Commission's direction was for the applicant to resubmit their application with a revision that excluded retail, showroom, and walk-in customers. Pick-up of items ordered online would be allowed as would consultations with customers for custom designs.

On the revised commercial business license application submitted August 16, the applicant described the business as an "Ecommerce Jewelry business... by appointment only" pursuant to the Planning Commission's direction to not have a walk-in retail component that the applicant was previously requesting.

In reviewing the revised application and the Planning Commission's direction, staff believes that the revised application would be more compatible with the intent and other allowed conditional uses of the P.O. Zone. The applicant is no longer requesting to offer retail services, has changed its signage to remove advertising for walk-in sales, and its only retail-type component is appointment-only consultations for custom jewelry. This appears to be in line with other allowed conditional uses, such as art, craft, and photography galleries and studios.

SUMMARY OF THE REQUEST:

The applicant is requesting the Planning Commission allow for a jewelry ecommerce business to be a conditional use in the Professional Office Zone. No retail, walk-in or otherwise, is requested.

STAFF REVIEW:

Conditional Use Review

Because the proposed use is a conditional use, the Planning Commission should review the criteria outlined in Section 4-104 General Requirements in Chapter 4 Conditional Use Procedure. Below is a summary of the review criteria that Staff determines is relevant to this business license application:

- The site of the structure or use
 - Adequacy of the site
 - Adjoining Uses
- The impact of the proposed use on surrounding uses
 - Impact of patrons
 - Hours of operation
 - Off-site effects
- Compliance with the intent of the General Plan and Characteristics of the Vicinity or Neighborhood

The applicant provided the following information:

- Anticipated number of daily customers: 0
- Number of employees working at the location: 3-4 primarily in order fulfillment but will attend local pickup and appointments for custom consultations.
- Hours of operation: 9:00 am – 5:00 pm

- Expected off-site impacts from the use: None.

FINDINGS:

The proposed amendment meets the following findings:

1. The use does not create any prohibited nuisances.
2. The site and building in which the use is being proposed received approval of a conditional use permit on December 3, 2019. The conditional use permit allowed for the conditional uses listed in the P.O. Zone.
3. The proposed use, as amended by the applicant, is compatible with the intent and other allowed conditional uses of the P.O. Zone and the conditional use permit.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

MOTION TO APPROVE:

I move that the Planning Commission **APPROVE** the requested use in the Professional Office Zone based on the following findings: (the Commission will need to draft appropriate findings).

MOTION TO DENY:

I move that the Planning Commission **DENY** the requested use in the Professional Office Zone based on the following findings: (the Commission will need to draft appropriate findings).

ATTACHMENTS:

1. Commercial Business License Application (Revised)



Highland City Commercial Business License Application

5400 West Civic Center Drive, Suite 1, Highland, Utah 84003
Office Hours: Monday - Thursday, 7:30 a.m. - 6:00 p.m., Closed Friday
Office (801) 772-4523 or Fax (801) 756-6903

OFFICE USE ONLY

Application Date: 6.15.23 Application Fee: 90.00 Receipt #: XBP 6.13.23 License #: 1325

NOTE: BUSINESS LICENSES ARE VALID JULY 1ST THROUGH JUNE 30TH AND MUST BE RENEWED ANNUALLY. RENEWAL LETTERS ARE MAILED PRIOR TO JUNE 30TH EACH YEAR. PRINT CLEARLY OR TYPE AN ANSWER TO EVERY QUESTION. IF ANY REQUIRED INFORMATION IS NOT PROVIDED AT THE TIME OF APPLICATION, THE APPLICATION WILL BE HELD FOR ONLY A PERIOD OF 90 DAYS, AFTERWHICH TIME A NEW APPLICATION MUST BE SUBMITTED.

Check license type applying for (please see reverse side for additional clarification):

- Class I - General Business
- Class II - Private Club w/Liquor
- Class III - Manufacturing, Milling, Mining, Fabrication, etc.

Registered Business Name: ZAANA JEWELRY

Registered DBA (if applicable): _____

Business Location: 11235 HIGHLAND BLVD #104 HIGHLAND UT 84003

Mailing Address (if different from business location): _____

City: HIGHLAND State: UT Zip: 84003

Business Telephone: 801-879-3901 Business Email: Zach@ZaanaJewelry.com

Business Website: ZaanaJewelry.com

Business Entity Number: 11807264 -- 0160 *Number provided by Utah Department of Commerce

State Sales Tax Number: 15685409-003-STC *Number provided by Utah Tax Commission

DOPL License (if required): _____ Federal License Number (if required): _____

Business Owner's Name: ZACHARY FACKRELL

Owner's Address: 11096 N SPRUCE DRIVE

City: HIGHLAND State: UT Zip: 84003

Owner's Telephone: 801-879-3901 Owner's Email: Zach@ZaanaJewelry.com

Local Manager's Name: _____

Manager's Address: _____

City: _____ State: _____ Zip: _____

Manager's Telephone: _____ Manager's Email: _____

Describe your business in detail: e-commerce jewelry business. we sell earrings, necklaces, and rings. we also offer professional fine jewelry design and engagement rings. - BY Appointment only

Please complete the following:

Please Circle

1. Will any materials considered flammable, toxic, poisonous or otherwise hazardous be kept at the business? (Yes) (No)
2. Will there be any outside storage of material, supplies, equipment, etc.? (Yes) (No)
3. Will any excessive noise be created by the business? (Yes) (No)
4. Is your business a food establishment? (Yes) (No)

*Must include a copy of County Health Permit/USDA permit.

FEES

Class I – General Business

Business License Filing Fee (unless specifically noted below)	\$90.00
Auto Repair/Mechanical	\$230.00
Auto Repair/Painting	\$300.00
Mobile Paint Services	\$230.00
Gasoline/Propane Dispensing (Gas Stations)	\$230.00
Dry Cleaners	\$160.00
Large Retail (Grocery Stores)	\$300.00
Tobacco-Smoke Shop	\$275.00
Hotel/Motel/Rooming House	\$375.00
Fireworks - Indoor Sales/Outdoor Sales	\$225.00
Hospitals	\$300.00

Class II – Businesses Serving Alcoholic Beverages

Private Clubs w/Liquor License	\$420.00
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Class III – Manufacturing, Milling, Mining, Etc.

Wholesale/Bulk Oil Dispensing	\$300.00
Mineral Extraction	\$400.00
Hazardous Materials	
Storage Only	\$230.00
Mixing/Dispensing/Use	\$300.00
Large	\$375.00

Note: Please phone Lone Peak Fire District to schedule a fire inspection prior to application at (801) 763-5365. If the location is part of new construction, then the fire inspection should occur automatically as part of the building permitting process. The commercial business license will NOT be approved until after record of the passed fire inspection has been attached or forwarded to the City.

By signing below, I affirm under penalty of perjury that:

- I agree to comply with all Highland City ordinances as set forth in the municipal and development codes regulating commercial type businesses.
- I understand that it is solely my responsibility to comply with all federal or state regulatory requirements that are applicable to my type of business activity and affirm that I have received approval or am in process of receiving approval from any such entity. I understand that Highland City may reach out to such entities to confirm approval or application and that denial from said entity may impact my ability to operate in Highland City.
- I understand all Highland City business license applications may be evaluated by business licensing, building, police, fire, health, and zoning departments.
- The privilege to have a business in Highland is granted only by the City Administrator through authority of the Mayor and City Council.
- At least 10 working days are required for an investigation period. This period may be extended if necessary to complete the investigation.
- I further understand that if the license is disapproved for any reason, the entire application fee may not be refunded, as the fee may be used to partially defray investigation and administration costs.
- A license will only be issued upon completion and satisfaction of all application requirements, investigation process and approval of the City Administrator.
- Approval of license is based on the applicant's continual compliance to all Highland City, Utah State, and Federal codes, laws, and regulations governing such businesses and may be revoked if applicant is found in violation.

Applicant's Signature: 

Date: 8 / 16 / 23

OFFICE USE ONLY

Business Licensing Official Approval: 
 State/Federal Department Licenses/Permits applicable to business: _____

Backdating app
 Date: 6.14.23

Zoning Approval: w/ conditions See original app

Date: 6.28.23

Building Official/Inspector: N/A Certificate of Occupancy or Inspection Report Attached

Date: _____

Fire Chief/Marshall: N/A Fire Inspection Report Attached

Date: _____

City Administrator Approval: See original app

Date: 6.28.23



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Owner's Telephone: 801-879-3901 Owner's Email: ZACH@ZaanaJewelry.com

Local Manager's Name: _____

Manager's Address: _____

City: _____ State: _____ Zip: _____

Manager's Telephone: _____ Manager's Email: _____

Describe your business in detail:

Retail Jewelry + Ecommerce website

Please complete the following:

Please Circle

1. Will any materials considered flammable, toxic, poisonous or otherwise hazardous be kept at the business? (Yes) (No)
2. Will there be any outside storage of material, supplies, equipment, etc.? (Yes) (No)
3. Will any excessive noise be created by the business? (Yes) (No)
4. Is your business a food establishment? (Yes) (No)

*Must include a copy of County Health Permit/USDA permit.

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Hotel/Motel/Rooming House	\$375.00
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Mineral Extraction	\$400.00
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By signing below, I affirm under penalty of perjury that:

- I agree to comply with all Highland City ordinances as set forth in the municipal and development codes regulating commercial type businesses.
- I understand that it is solely my responsibility to comply with all federal or state regulatory requirements that are applicable to my type of business activity and affirm that I have received approval or am in process of receiving approval from any such entity. I understand that Highland City may reach out to such entities to confirm approval or application and that denial from said entity may impact my ability to operate in Highland City.
- I understand all Highland City business license applications may be evaluated by business licensing, building, police, fire, health, and zoning departments.
- The privilege to have a business in Highland is granted only by the City Administrator through authority of the Mayor and City Council.
- At least 10 working days are required for an investigation period. This period may be extended if necessary to complete the investigation.
- I further understand that if the license is disapproved for any reason, the entire application fee may not be refunded, as the fee may be used to partially defray investigation and administration costs.
- A license will only be issued upon completion and satisfaction of all application requirements, investigation process and approval of the City Administrator.
- Approval of license is based on the applicant's continual compliance to all Highland City, Utah State, and Federal codes, laws, and regulations governing such businesses and may be revoked if applicant is found in violation.

Applicant's Signature: [Signature] Date: 6/7/2023

OFFICE USE ONLY

Business Licensing Official Approval: [Signature] Date: 6.14.23
 State/Federal Department Licenses/Permits applicable to business: _____

Zoning Approval: w/conditions*: [Signature] Date: 6/28/23
 Building Official/Inspector: N/A Certificate of Occupancy or Inspection Report Attached Date: _____
 Fire Chief/Marshall: N/A Fire Inspection Report Attached Date: _____
 City Administrator Approval: [Signature] Date: 6/28/23

Δ * no retail, no showroom or walk-ins; by appointment only, can pick-up pre-purchased items, can have appointments with customers for custom designs (Planning Commission Action - June 27, 2023)



PLANNING COMMISSION AGENDA REPORT ITEM #6

DATE: August 29, 2023
TO: Planning Commission
FROM: Rob Patterson, City Attorney
SUBJECT: ORDINANCE: Text Amendment - Sensitive Lands Ordinance
TYPE: DEVELOPMENT CODE UPDATE (LEGISLATIVE)

PURPOSE:

The Planning Commission will hold a public meeting to consider a proposal by Highland City Staff to amend certain sections of the Development Code and to adopt a new chapter 8 in the Development Code related to the regulation of development on sensitive lands. The Planning Commission will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed ordinance amending certain sections of the Development Code and adopting a new chapter 8 in the Development Code related to the regulation of development on sensitive lands. The Planning Commission will take appropriate action.

BACKGROUND:

Highland City does not currently have specific regulations regarding construction and development of “sensitive lands”—land that has unusual or challenging features such as steep slopes, wetlands, and unstable soils. This is typically land that is the hardest or least safe to develop, or it is land subject to special state or federal regulations. This land constitutes a significant portion of the remaining undeveloped property within Highland. The City does have some regulations regarding drainage and flood protection, but the process for reviewing an application for compatibility with these regulations is not fully addressed within the City’s Development Code.

Under Utah State law, cities are authorized to adopt land use regulations to protect the health and safety of its residents, and to “regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.” Utah Code § 10-9a-505(1)(b). Cities are further authorized to enact ordinances “regulating land use and development in a flood plain or potential geologic hazard area” to protect life and prevent the substantial loss of or damage to real property. Utah Code § 10-9a-505(1)(c).

During the May 16, 2023, City Council meeting, City staff discussed whether the City Council would be interested in adopting more specific and detailed sensitive land

regulations. The Council expressed support for the ordinance to reduce the City's liability and protect current and future residents.

On June 27, 2023, City staff had a similar discussion with the Planning Commission. The Planning Commission likewise supported the preparation of a sensitive lands ordinance. The Commission gave direction that the ordinance should encompass a variety of ground and soil issues (faults, soils, etc.), and that the ordinance should, to the extent practicable, provide fewer hard limits on development and more direction on mitigating unsafe or dangerous land and development conditions.

Based on the feedback from the City Council and Planning Commission, City staff have prepared a draft sensitive lands ordinance.

SUMMARY OF THE REQUEST:

The proposed amendment imposes regulations on the development of and construction on sensitive lands as follows:

1. Incorporates the sensitive lands ordinance into existing City review procedures.
2. Defines "sensitive lands" as land currently or historically subject to geologic hazards, environmentally sensitive areas, flood hazards, and/or steep slopes.
3. Requires an applicant for any subdivision on or development of property containing sensitive lands to perform a sensitive lands analysis, which identifies, delineates, and proposes mitigation efforts to manage and mitigate the development's impact on affected sensitive lands.
 - a. Sensitive lands analysis may require certain maps (topographical maps showing slopes, flood plain identification, wetlands delineation) and reports and studies (soil investigation, geotechnical reports, hydrologic reports)
 - b. City staff will review the sensitive lands analysis and provide a staff report that confirms the permissible development areas and required mitigation for the sensitive lands within the proposed development
4. Regulates development related to geologic hazards and slopes:
 - a. No development land subject to landslides/geologic hazards without appropriate studies, engineering, and other documentation of mitigation of danger or on slopes greater than 25%
 - b. Regulations and restrictions on cut/fills, grading, erosion control/revegetation, and fill areas
 - c. Limitations on road slopes and roads on steep slopes
 - d. Requirements to regrade disturbed slopes to conform to adjacent property and manage affected drainage channels
5. Regulates development related to environmentally sensitive areas
 - a. Wetlands, streams, rivers, and irrigation channels must be identified and new setbacks imposed (15' wetlands, 50' streams/rivers, 10' irrigation)
 - b. Regulation of increased runoff and drainage to wetlands, streams, rivers, and irrigation channels
 - c. Protection of identified and threatened wildlife and wildlife habitat
 - d. Requires flood plain and flood-prone areas to comply with existing City regulations on floods
6. Standard appeal and variance process, with the addition of a special appeal process managed and decided by experts for geological hazards.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at the Planning Commission meeting was posted on the state and city websites and three public places on July 13th, 2023.

STAFF REVIEW/FINDINGS:

The proposed ordinance meets the following findings:

1. It is consistent with the City's authority under state law to enact land use regulations that control, regulate, and restrict construction of buildings and development of land in flood plains, geologic hazards, and other unsafe or specially regulated areas.
2. It is consistent with the desires of the Engineering Department and the City's ability to maintain future road and utility facilities.
3. It incorporates and supports the City's existing regulations regarding flood plains, drainage and runoff control, and public infrastructure design and construction standards.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

MOTION TO RECOMMEND APPROVAL:

I move that the Planning Commission recommend **APPROVAL** of the proposed ordinance amending certain sections of the Development Code and adopting a new chapter 8 in the Development Code related to the regulation of development on sensitive lands.

ATTACHMENTS:

1. Ordinance

ATTACHMENT 1:

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS OF THE HIGHLAND CITY DEVELOPMENT CODE AND ADOPTING A NEW CHAPTER 8 OF THE HIGHLAND CITY DEVELOPMENT CODE REGULATING DEVELOPMENT ON SENSITIVE LANDS.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 25, 2023, and

WHEREAS, the City Council held a public hearing on this Ordinance on August 1, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Those certain sections of the Development Code are hereby amended and adopted as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from March 7, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, August 1, 2023

HIGHLAND CITY, UTAH

Kurt Ostler
Highland City Mayor

ATTEST:

Stephannie Cottle
Highland City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

2-601 Pre-Application

1. Prior to application for any general plan amendment, rezoning request, conditional use permit, subdivision plat, design review, or any other review or permit process not otherwise provided for in the development code, a pre-application review with City Staff will be required. The purpose of the pre-application review is: ...

e. To identify important features that may require additional mitigation or preservation efforts or are subject to state, federal or other special regulation, including those regulations set forth in Chapter 8, such as natural vegetation, ponds, streams, ditches, flood plains, wetlands, wildlife habitats, view sheds, trees, green spaces, scenic points, historic sites, and areas with geologic hazards or topographical challenges ~~or other City assets~~; and

5-8-101 Subdivision Layout

2. Where trees, groves, waterways, scenic points, historic spots, other City assets and landmarks, flood hazards, environmentally sensitive areas such as wetlands, areas with potential geologic hazards or topographical challenges, or other features or land subject to state, federal, or other special regulation, including those regulations set forth in Chapter 8, as determined by the City, are located within a proposed subdivision, the subdivider shall identify and provide means to study, analyze, preserve, mitigate, eliminate, and/or protect these features as part of the proposed subdivision.

5-8-104 Lots

All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots (other than dedicated open space or conservation areas), and no building permit shall be issued for any lots ~~which would make where~~ improvement, construction, or other development otherwise allowed by the applicable zoning regulations is impractical or prohibited due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions, including those conditions or features addressed by Chapter 8, or due to encumbrances or other legal impediments, such as utility or conservation easements.

SENSITIVE LANDS ORDINANCE

Chapter 8 (~~Reserved~~) Sensitive Lands

8-101 Purpose

8-102 Scope

8-103 Definitions

8-104 Sensitive Lands Analysis

8-105 Geologic Hazards and Slope Regulations

8-106 Environmentally Sensitive Areas

8-107 Construction Activity and Filling

8-108 Appeals

8-101 Purpose

The purpose of this chapter is to identify and coordinate the protection and mitigation of sensitive lands, protect the health, welfare, and safety of current and future residents of Highland City from geologic and other hazards that pose a threat to the safety people and property; and minimize the potential degradation or loss of natural and human-made resources.

8-102 Scope

This chapter applies to all property and development within Highland City, and the regulations set forth herein shall be deemed to be added to all zoning regulations and requirements otherwise applicable to the property or development. The regulations, requirements, and provisions of this Chapter shall be in addition to, and shall not repeal or eliminate, any other regulation, requirement, or provision adopted by Highland City. To the extent a regulation, requirement, or provision of this Chapter conflicts with another regulation, requirement, or provision adopted by Highland City, the more restrictive provision shall govern.

8-103 Definitions

The following words, as used in this Chapter, shall have the meaning ascribed to them below:

1. CONSTRUCTION ACTIVITY. All grading, excavation, construction, grubbing, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure or building, or the act of adding an addition to an existing structure or building, or the erection of a new structure or building.
2. DEVELOPMENT. The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure, building, or improvement to property, including grading, clearing, grubbing, mining, excavating, or filling of such property. Includes all construction activity.
3. ENVIRONMENTALLY SENSITIVE AREA. An area of particular environmental or ecological concern, such as wetlands, stream and river corridors, canals and ditches, water shed and recharge zones, and protected wildlife habitats, wildlife movement

corridors, and areas inhabited by or frequently utilized by any species identified by state or Federal agencies as threatened or endangered.

4. FLOOD HAZARDS. An area adjoining a river, stream, canal, ditch, or other water course, or body of standing water in which a potential flood hazard exists when the area experiences a one-hundred-year storm, including, any area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government. Includes floodplain, flood-prone areas, and areas of special flood hazards, as those terms are defined by the Highland Municipal Code.
5. GEOLOGIC HAZARD. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable slopes, faulting landslides, rock fall, surface fault rupture, shallow groundwater, liquefaction, landslide, debris flow, unstable soils, and areas where significant excavation or mining has occurred.
6. GRADING. Any earthwork or activity that alters the natural or existing grade, including but not limited to excavating, filling, or embanking.
7. GRUBBING. The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical, or other means.
8. SENSITIVE LAND. Land subject to, containing, or having a record or history of being subject to or containing geologic hazards, environmentally sensitive areas, flood hazards, or steep slopes. Includes land where development thereon would negatively impact or exacerbate geologic hazards, environmentally sensitive areas, flood hazards, and steep slopes on adjacent property.
9. STEEP SLOPES. Slope greater than fifteen percent (15%).
10. WETLANDS. Land designated as wetlands by the United States Army Corps of Engineers or other appropriate agency of the federal government.

8-104 Sensitive Lands Analysis

1. The applicant for any proposed development, new use, or change in use on property containing sensitive land shall provide a sensitive lands analysis, prepared by qualified professionals, that identifies and delineates the following features and conditions, to the extent applicable:
 - a. Environmentally sensitive areas, including wetland and stream corridor delineations and hydrologic reports containing information on groundwater levels, natural and artificial irrigation and drainage channels and systems;
 - b. Flood Hazards: All flood hazards shall be identified in accordance with the procedures set forth in Title 13.52, Highland Municipal Code;

- a. The Zoning Administrator and City Engineer shall approve or deny a land use application if the proposed development, together with the proposed mitigation and proposed construction activity, is permitted under this Chapter and other applicable Highland City land use regulations, if the Zoning Administrator or City Engineer is the land use authority for the application.
- b. If the Zoning Administrator and City Engineer are not the land use authority for a land use application, the Zoning Administrator and City Engineer shall issue a report and recommendation to the land use authority regarding the compatibility of the proposed development with the requirements of this Chapter, which report and recommendation shall identify those areas suitable for development and any modifications to the proposed development necessary to comply with this Chapter or mitigate the impacts of the development activity on sensitive lands.

8-105 Geologic Hazards and Slope Regulations

1. PROHIBITIONS.

- a. No development is allowed on slopes greater than twenty-five percent (25%).
 - b. No development is allowed in areas subject to land slide activity and other high-hazard areas subject to geologic hazards. The applicant may provide, with the sensitive lands analysis required by this Chapter, information, designs, and proposed construction and developments methods that are prepared, recommended, and approved by qualified professionals to demonstrate that the proposed development will not pose a threat to the health and safety or persons or property or that the geologic hazards identified in the sensitive lands analysis can be mitigated or avoided in perpetuity.
2. SLOPES. No development is allowed on or within the “slope setback”: fifty feet (50’), map distance, of slopes greater than forty percent (40%), where the area containing such slopes cover a topographic area at least twenty-five feet (25’) vertically, upslope or downslope, and fifty feet (50’) horizontally in any direction. The Planning Commission may vary and reduce the slope setback requirement if the Planning Commission can make all of the following findings:
- a. Building areas in the slope setback do not create excessive cut or fill slopes; minimal retaining walls to limit disturbance and meet grade may be required by the Planning Commission subject to the other regulations of this section;
 - b. The applicant designates areas in which all construction activity must be contained as limits of disturbance for each building, site, lot, or parcel. The limits of disturbance around any structure within the slope setback shall be limited to the minimal area necessary to excavate and backfill the foundation. Decks and patios in the area of the slope setback shall not extend more than fifteen feet (15’) beyond the foundation walls or the established limit of disturbance, whichever is greater;

- c. No additional erosion, land subsidence, avalanche, or other geologic hazard is created or exacerbated;
- d. The proposed development results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public areas, and reduction of site disturbance;
- e. The applicant proposes appropriate revegetation and other mitigation efforts to reduce the impact on sensitive lands; and
- f. No development or other disturbance is allowed beyond the maximum area available for development, as approved by the City Engineer and Zoning Administrator under Section 8-104(3).

3. GRADED OR FILLED SLOPES.

- a. The applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger building sites shall be kept to a minimum and shall be avoided to the maximum extent feasible. Graded or filled slopes shall be limited to a 3 to 1 slope or less. All graded slopes shall be recontoured to match or harmonize with the natural, varied contour of surrounding terrain.
- b. Graded, filled, or otherwise disturbed slopes shall provide a plan addressing, identifying, and managing drainage and run-off from the disturbed slopes as required by the City to avoid impacts on adjacent property and other stormwater or drainage facilities or channels.

4. BENCHING OR TERRACING. Benching or terracing to provide additional or larger building sites is prohibited.

5. STREETS AND ROADS.:

- a. Streets and roads shall comply with the maximum and minimum grades specified by the City's adopted design and construction standards.
- b. Streets and roads proposed for steep slopes may not cross slopes of twenty-five percent (25%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross slopes of twenty-five percent (25%) or greater if the Zoning Administrator and the City Engineer conclude that such streets or roads will not have significant adverse visual, environmental, or safety impacts.
- c. Streets and roads proposed to cross slopes greater than ten percent (10%) are allowed, subject to the following:
 - i. Proof that such street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and

ii. Such street and road design generally follows contour lines to preserve the natural character of the land and are screened with trees or vegetation.

iii. Cutting and filling is minimized, and all cut and fill and all other grading and grubbing work is appropriately re-vegetated.

6. RETAINING WALLS. The use, design, and construction of all retaining walls shall conform to Section 3-612.

7. LANDSCAPING AND REVEGETATION. An applicant shall landscape or re-vegetate exposed slopes and land that was grubbed or graded. Topsoil from any disturbed portion of a steep slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth, and vegetation shall be native to the area and of a similar type and species as those in the area.

8-106 Environmentally Sensitive Areas

1. PROHIBITED ACTIVITIES. No person shall disturb, remove, fill, dredge, clear, destroy or alter any environmentally sensitive area, including vegetation, surface disturbance within wetlands and stream corridors and their respective Setbacks, except as may be expressly allowed herein or as may be authorized by applicable federal or state law.

2. BOUNDARY DELINEATIONS. The applicant must provide a wetlands delineation by a qualified professional in accordance with federal regulations. The applicant shall also show all stream and river corridors and all water conveyance facilities, including ditches and canals, and shall delineate any recorded easements related thereto. The boundary of stream and river corridors and wetlands shall be delineated at the ordinary high-water mark.

3. SETBACKS. The following setbacks are required:

a. Setbacks from wetlands shall extend a minimum of fifteen feet (15') outward from the delineated wetland ordinary high-water mark.

b. Setbacks from stream and river corridors shall extend a minimum of fifty feet (50') outward from the ordinary high-water mark.

c. Setbacks from irrigation ditches and canals that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of ten feet (10') from the ordinary high-water mark.

d. Setbacks for primary or accessory buildings and structures from other irrigation ditches and canals shall extend a minimum of ten feet (10') from the edge of the ditch or canal or to the edge of the recorded easement or other ownership interest of the owner of the ditch or canal, if any.

4. RUNOFF CONTROL.

- a. All projects adjacent to wetlands, stream and river corridors, or irrigation ditches or canals that meet the Army Corps of Engineers definition for waters of the United States, must apply best management practices for both temporary and permanent runoff control to minimize sediment and other contaminants.
- b. All development activity that increases the runoff or drainage to private irrigation ditches or canals, that proposes the use of private irrigation ditches or canals as stormwater management facilities, or that proposes any other modification to any private irrigation ditch or canal, shall obtain the written approval of owner of such ditch or canal, pursuant to state law.

5. PROTECTION OF WILDLIFE AND PERSONS.

- a. Construction shall be organized and timed to minimize disturbance of protected wildlife habitats and areas inhabited by or frequently utilized by any species identified by state or Federal agencies as threatened or endangered.
- b. If the proposed development is on land that contains a protected wildlife habitat, areas inhabited or frequently utilized by any species identified by state or Federal agencies as threatened or endangered, or wildlife corridor, the development plans shall include provisions to ensure that any habitat and corridor contained in shall not be disturbed or diminished.
- c. If wildlife that may create conflicts for future occupants of the development are known to exist in areas adjacent to or on the proposed development area, then the development plans must include provisions to minimize these conflicts to the extent reasonably feasible.

6. FLOOD HAZARDS, STORMWATER, AND DRAINAGE. All development shall conform to City regulations regarding flood damage prevention, stormwater management, and drainage requirements. Development that requires special stormwater containment or drainage facilities shall provide adequate private means of maintaining the same in perpetuity.

8-107 Construction Activity and Filling

1. Fills for construction shall be limited to a maximum depth of eight feet (8'). No street, building, structure, municipal utility facility, or other infrastructure shall be located on or within an area with greater than eight feet (8') of fill. This shall not restrict landscaping, vegetation, grading, or fencing of such filled areas.
2. All filled areas shall be identified in a plan addressing, identifying, and managing drainage and run-off from the filled area, as required by the City, to avoid impacts on adjacent property and other stormwater or drainage facilities or channels.

8-108 Appeals

1. Appeals from a final decision based 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 set forth in Article 3 of this Code.
2. Appeals from a final decision based on the administration or interpretation of the provisions of this Chapter related to geologic hazards may be pursued according to the procedures set forth in Utah Code 10-9a-703(2), at the written request of the applicant.



PLANNING COMMISSION AGENDA REPORT ITEM #7

DATE: August 29, 2023
TO: Planning Commission
FROM: Jay Baughman, Assistant City Administrator/Community Development Director
SUBJECT: **DISCUSSION:** General Plan Comprehensive Update RFP Review
TYPE: General City Management

PURPOSE:

Highland City’s last General Plan update was in 2008. The City has budgeted funding in the 2023-24 fiscal year to commission a comprehensive update to the Plan and bring it up to current standards.

Highland City Development Code 2-205 (2) Duties And Powers lists among the duties of the Planning Commission is to “prepare and recommend to the City Council, a General Plan”.

The City will solicit qualified partners in this update process through a Request for Proposal (RFP) process. A draft of the RFP is included for review and feedback by the Planning Commission members.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission members read the attached General Plan RFP and provide feedback to City staff regarding the document. Staff requests that all feedback be provided via email to planning@highlandcity.org by September 12.

ATTACHMENTS:

1. General Plan Update RFP – Draft



HIGHLAND CITY

GENERAL PLAN UPDATE

REQUEST FOR PROPOSALS

Highland City, Utah is soliciting the services of qualified teams/individuals (“Team”) to perform consulting services for an updated general plan. Specific requirements and components are outlined in this Request for Proposals (RFP).

**Responses due Wednesday, October 4th, 2023
at 4:00 PM MST**

Contact Information

The primary contact for questions regarding this RFP is:

Jay Baughman, Assistant City Administrator / Community Development Director

jbaughman@highlandcity.org

801-756-5751

Any communication regarding this RFP to any elected or appointed official of the City or any other City staff, unless said communication is required by the primary contact, shall result in the disqualification of the proposal.

1. Background and Introduction

Situated at the mouth of American Fork Canyon in Utah County, Highland City was incorporated in 1977, though the Highland area was settled as early as 1869. In 1900, the population was 195 and has since grown to nearly 20,000 in the 2020 U.S. Census.

Necessitated by State law changes and development, Highland has done minor updates and additions to the General Plan in recent years, however, the last time the City did a comprehensive plan update was February 2008. The growth of Highland in the intervening years since the last full Plan and the anticipated growth in the future necessitates updates to the City's vision and goals related to land use, transportation, parks, bicycle and pedestrian facilities, open space, and more. Although the current plan contains much that continues to be relevant, there is a need to remain proactive in a comprehensive plan that will guide development in accordance with an updated City vision.

Highland is getting close to build-out, with most of the remaining development being in-fill type development. Insight into how to help manage and facilitate in-fill development and potential redevelopment of existing areas, without the redevelopment changing the character and feel of Highland will be important to this update process. The City needs a plan that helps maintain Highland and its infrastructure and facilities as development slows.

2. Scope of Work

The General Plan is an advisory policy document that outlines a city's vision for its future. It is the framework for land development codes and development standards, and that guides and informs decision making throughout the organization. As such, the final product must be:

- Easy and intuitive for the public to access, understand, and use.
- Concise, illustrative, consistent with itself, and strategy-based.
- Designed to be integrated with the City's website and GIS mapping programs.
- In compliance with Utah's Land Use, Development, and Management Act.

The General Plan must contain:

- An executive summary.
- A community vision statement that accurately captures the desired future of the City.
- A historic summary and current demographic snapshot of the community.
- All elements, sections, and information required by Utah State Code.
- A transportation master plan.
- A land use section capable of guiding the growth of Highland including:
 - An updated Future Land Use Map that includes and respects existing plans (such as active transportation) transportation corridors from MAG and WFRC studies and reports and other long-range planning tools as appropriate.
 - Land Use Goals and Strategies.
 - Community Design strategies for residential, commercial, central business district, and other uses as determined through the public input processes.
 - Housing strategies that will lead to achieving the community vision established by the public and elected officials.

- Affordable housing plan & strategies to include the State required Moderate Income Housing Plan and Water Use and Preservation.
- Walkability strategies that integrate with the City’s Active Transportation Plan (2023).
- Analysis, maps, goals, and strategies to address the connection of Land Use with Transportation, Economic Development, Parks and Recreation, Open Space, Health, Water Sustainability, Funding & Financing Methods, and Public Services and Facilities.
- Future growth illustrations/renderings.
- Clear implementation strategies with specific recommended actions or next steps.
- Fiscal Analysis and sustainability of the Land Use Plan.
- A citizen’s guide to the plan.
- A developer’s guide to the plan.
- Incorporation of relevant existing master plans.
- Other components as proposed or deemed critical by the City during the review process.
- Identification of and recommendations for potential Land Development Code amendments to increase effectiveness and consistency with the updated General Plan and City goals.

In addition to the requirements listed above, the City is seeking a firm that is committed to the following:

- Inclusive outreach: The General Plan must be inclusive of all residents and stakeholders in Highland City. The firm selected must have a proven track record of doing comprehensive outreach to ensure that all voices are heard.
- Sustainability: The General Plan must be sustainable and meet the needs of future generations. The firm selected must have a strong understanding of sustainability principles and be able to incorporate them into the updated general plan.
- Innovation: The General Plan must be innovative and forward-thinking. The firm selected must be able to think outside the box and come up with new ideas to help Highland City grow and thrive in the years to come.
- The General Plan is an important project for the future of Highland City. We are confident that the firm selected to conduct the update will be a valuable partner in helping us create a plan that meets the needs of our community for years to come.

3. Qualifications and Proposal Submission

Proposals must be submitted to Highland City by 4:00 PM MST on October 4, 2023.

The RFP proposal shall be limited to no more than 10 pages, excluding examples of prior work, and shall include the following information:

- A cover letter that succinctly summarizes the RFP, including the Team’s qualifications and interest, approach, deliverables, and contact information for the principal contact person.
- Name, title, and responsibility of each individual or Team member working on the project, along with a statement of their availability and level of responsibility for the project.
- The Team’s expertise in creating workable and comprehensive transportation master plans.

- Experience and expertise of Team members, including the use of outside consultants. Describe the talents the Team brings to the project, how their knowledge of the subject will benefit the process, how the Team has been successful in the past (previously completed comprehensive General Plan projects), and how that relates to this project. Include contact information for at least three previous clients for whom project Team members have completed similar projects.
- Strategy and implementation, including:
 - A public outreach plan to generate input and buy-in from the public, along with meetings with city staff, stakeholders, and the Planning Commission and City Council.
 - Specific methodology, tools, theories, and resources that will be applied to the project.
 - The proposed project process, project management plan, schedule (including critical dates, planned meetings, etc.), mitigation of risks, and proposed costs.
 - Proposed format, content, and deliverables for the final product.
 - Identification of and proposed coordination with adjacent jurisdictions, State and federal departments as appropriate, and affected entities.
- Examples of prior work (this is the only item that may be in excess of the 10-page limit)

4. Project Budget

The Team must submit a fee proposal for the project, including:

- An estimate of time to be spent by respective positions for each phase of the work.
- The hourly billing rate for each position.
- A cost breakdown for each phase and for each deliverable.
- An estimate of reimbursable expenses to be included in the project.

The proposed fee will serve as a not-to-exceed amount.

Upon execution of the agreement by both parties, the Team will receive authorization to proceed with only those services identified in the agreement. The Team must receive prior written authorization before performing any services outside the scope and fee amount identified in the agreement, or the additional services will not be reimbursable by the City.

5. Selection Process

All proposals received shall be evaluated by a City selection committee. Teams may be contacted for interviews, if determined necessary by the selection committee. The purpose of any interview is to allow the Team to present its understanding of the project, qualifications, expertise, past performance, management plan, schedule, and plan for accomplishing the project. It will also provide an opportunity for the selection committee to seek clarifications from the Team.

The Team will be selected based upon the following:

Strength and Experience of Team

Based on the Proposal and any interviews, the selection team shall evaluate the expertise and experience of the Team and the project manager as it relates to this project in size, complexity,

quality, duration, etc. Consideration will also be given to the success the Team has had in the past with similar projects.

Project Management Approach

Based on the information provided in the Proposal and information presented in the interview, each Team will be evaluated as to their plan to manage the project. The selection Team will also evaluate the degree to which risks to the success of the project have been identified and a reasonable solution has been presented.

Schedule

The Team’s schedule will be evaluated as to how well it meets the objectives of the project. The Team shall identify in the RFP the project schedule identifying major work items with start and stop dates that are realistic and critical for the success of the project.

Total Budget

While total cost will be a consideration in the decision, a Team will be chosen mainly based upon the strength and experience of the Team, past project examples, and the planned approach to meeting the project objectives. City will procure a Team to achieve the best project possible within the City’s budget.

Past Performance / Project References

Past involvement with similarly situated jurisdictions and experience preparing comprehensive general plans that are concise, illustrative, and action-oriented.

6. Question and Answer Period

Questions can be asked via email of the primary contact until 5:00 PM MST on Thursday, September 28, 2023. All question responses will be posted on the State of Utah’s procurement website [Home - State of Utah Division of Purchasing and General Services](#) for all interested parties.

7. Deadline

Proposals must be submitted by 4:00 PM MST on Wednesday, October 4th, 2023.

8. Contact Information

For proposal submittals and more information, please contact:

Jay Baughman, Assistant City Administrator / Community Development Director

jbaughman@highlandcity.org

801-756-5751