



## HIGHLAND CITY

# HIGHLAND CITY PLANNING COMMISSION MINUTES

**Tuesday, July 25, 2023**

**Approved 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](mailto: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:*

|                                        |               |
|----------------------------------------|---------------|
| <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*

#### **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>    |

|                            |        |
|----------------------------|--------|
| Commissioner Audrey Moore  | Yes    |
| Commissioner Trent Thayne  | No     |
| Commissioner Tracy Hill    | Yes    |
| Commissioner Debra Maughan | Absent |
| Commissioner Jay Roundy    | Absent |
| Commissioner Chris Dayton  | Absent |

*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:*

|                                        |               |
|----------------------------------------|---------------|
| <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*

## **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 20<sup>th</sup> and to the Planning Commission on June 27<sup>th</sup>. 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 Thayn 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:

|                                 |        |
|---------------------------------|--------|
| 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

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:*

|                                        |               |
|----------------------------------------|---------------|
| <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*

## **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 policies.*

*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

1

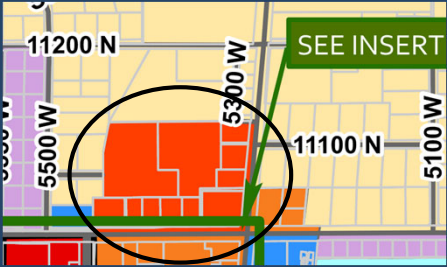


## 5



Background

- CR Zone
- Property owner met with Mayor & 2 Council members to discuss potential amendment



7

Proposed Amendment

1. The proposed amendment removes “Alcohol Sales” from Section 3-4352 Prohibited Uses.
2. The proposed amendment also removes the following sentence from Section 3-4351 Permitted Uses: Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.

8

Citizen Participation

- Public Notice posted on State & City Websites
- 7 comments received (6 for the amendment, 1 opposed)

9

Staff Review

- CR Zone and Town Center Overlay prohibit alcohol sales, however the C-1 Zone does not.
- Section 5.12.020 Beer Sales in Municipal Code – prohibits the retail sale of beer for both on and off premises consumption
- Ordinance 1977-09
  - “The public retail sale of light beer, in bottles, cans or draft is expressly prohibited within the corporate limits of the Town of Highland.”

10

Staff Review

- Limited-service Restaurant License – wine or heavy beer
- Full-service Restaurant License – liquor
- Bar Establishment – liquor, wine, and beer (during specific hours)
- Operational requirements
  - Hours
  - Seating requirements
  - Dispensing requirements
  - Storage and preparation requirements

11

Motion to Recommend Approval

I move 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:

*The Planning Commission will need to select which types of services would be permitted:*

- A. Limited-Service Restaurants (wine or heavy beer)
- B. Full-Service Restaurants (liquor)
- C. Bar Establishments (liquor, wine, and beer)
- D. Prohibit bars, taverns, and similar establishments

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Potential Findings

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

- The amendment is consistent with the purpose and intent of the CR Zone as the proposed amendment "promotes the ability of the commercial entities to succeed", and "promotes the successful completion of the project".

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

- The amendment is not consistent with the purpose and intent of the CR Zone as the proposed amendment does not "promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City".

13

Motion to Recommend Denial

I move 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.

14



**TEXT AMENDMENT - PROFESSIONAL  
OFFICE ZONE** *Land Use (Legislative)*

Item 5 - Public Hearing/Ordinance  
Presented by - Kellie Smith  
Planner & GIS Analyst

15

Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, 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.

16

Background

- P.O. Zone - Dec 2003
  - Illustrative exhibits (site, landscape, architectural)
- Development Agreement amendments for the last couple of architectural approvals
- Scott Dunn, the applicant, submitted a site plan and conditional use permit for another building pad in the adopted site plan; Development Code amendment needed to deviate from the architectural elevations

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Proposed Amendment

- Removes the exhibits for the landscape plan and architectural details
- The amendment clarifies that each architectural design shall be submitted and approved by the Planning Commission prior to building approval

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Architectural Examples in Ordinance



**Building 1**

Specifications:

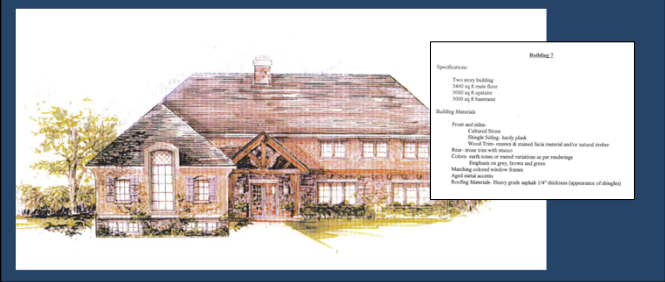
- Two story building
- Approx. 10,000 sq. ft.
- 1000 sq. ft. garage

Building Materials:

- Roof: Asphalt shingles
- Exterior walls: Brick
- Windows: Double hung, white painted with no muntins
- Doors: Solid wood, white painted with no muntins
- Trim: White painted with no muntins
- Foundation: Foundation to grade, finished with stone veneer
- Driveway: Asphalt
- Building Materials: Heavy grade asphalt 1 1/2" thickness (appearance of stone)

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Architectural Examples in Ordinance



**Building 2**

Specifications:

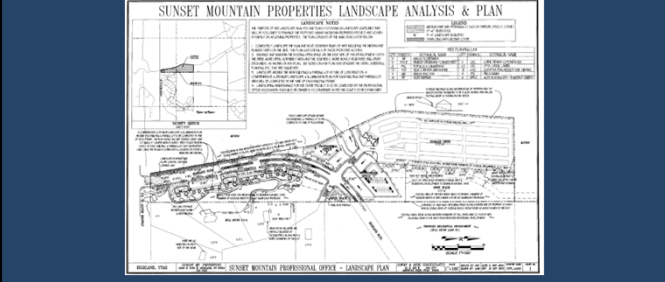
- Two story building
- Approx. 10,000 sq. ft.
- 1000 sq. ft. garage
- 1000 sq. ft. driveway

Building Materials:

- Roof: Asphalt shingles
- Exterior walls: Brick
- Windows: Double hung, white painted with no muntins
- Doors: Solid wood, white painted with no muntins
- Trim: White painted with no muntins
- Foundation: Foundation to grade, finished with stone veneer
- Driveway: Asphalt
- Building Materials: Heavy grade asphalt 1 1/2" thickness (appearance of stone)

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Landscape Plan in Ordinance



**SUNSET MOUNTAIN PROPERTIES LANDSCAPE ANALYSIS & PLAN**

LANDSCAPE ANALYSIS

LANDSCAPE PLAN

21

Citizen Participation

- Public hearing notice posted on State and City websites
- No comments received

22

Staff Review

- Applicant's Narrative
  - Technological advancements
  - Evolving lifestyles and needs
  - Cultural context and identity
- P.O. zone prohibits specific materials and roof designs (does not detail *permitted* materials and roof designs)
  - More flexibility architecturally

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Staff Review

- Purpose: "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."
- Intent:
  - Promotes the overall functionality, safety and visual attractiveness of professional office buildings, storage facilities, accompanying substructures, and surrounding landscape.
  - Promotes architecture with a residential flavor;
  - Promotes development which works in harmony with the open, rural atmosphere of Highland City;
  - Prevents the erection of buildings or substructures with an industrial or a pre-fabricated appearance; and,
  - Allows some flexibility of architecture so as to encourage creativity of design.
  - 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.

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Potential Findings

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

25

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.

26

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.

27

**GENERAL PLAN AMENDMENT -  
ACTIVE TRANSPORTATION PLAN** *Land Use (Legislative)*

Item 4 - Public Hearing/Ordinance  
Presented by - Kellie Smith  
Planner & GIS Analyst

28

Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, discuss the proposed amendment, and recommend APPROVAL of the proposed General Plan amendment to adopt an Active Transportation Plan.

29

Background

- Highland City, Alpine, & MAG
  - Horrocks Engineering hired to do research, solicit public input, and produce recommendations for a backbone network
- City Council Presentation - June 20<sup>th</sup>
- Planning Commission Presentation - June 27<sup>th</sup>
  - PC given a month after the presentation to become familiar with the plan before adoption
  - Once both Alpine and Highland have adopted the plan, the PC expressed wanting to have a joint meeting to discuss prioritization and funding for the joint projects

30

Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed amendment to add an Active Transportation Element to the Highland City General Plan.

31

Alternative Motion

I move that the Planning Commission recommend **APPROVAL** of the proposed amendment to add an Active Transportation Element to the Highland City General Plan with the following changes: (The Planning Commission will need to draft appropriate changes).

32



TEXT AMENDMENT – SENSITIVE LANDS *Land Use (Legislative)*

Item 4 – Public Hearing/Ordinance  
Presented by – Rob Patterson  
City Attorney

33

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.

34

Background

- Highland City does not currently have specific regulations regarding construction and development of “sensitive lands”
- Utah State Law
  - “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).
- City Council Communication Item – May 16<sup>th</sup>
- Planning Commission Communication Item – June 27<sup>th</sup>

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Proposed Amendment

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

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Proposed Amendment – Cont.

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.

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Citizen Participation

• Public Hearing notices

– State & City Websites

– 3 public places

• No correspondence has been received.

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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.

39

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.

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PLANNING COMMISSION AND  
STAFF 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

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