



**HIGHLAND CITY**

# **HIGHLAND PLANNING COMMISSION MINUTES**


**TUESDAY, August 27, 2024**

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

**Approved September 24, 2024**

## **VIRTUAL PARTICIPATION**

 YouTube Live: <http://bit.ly/HC-youtube>

 Email comments prior to meeting: [planningcommission@highlandcity.org](mailto:planningcommission@highlandcity.org)

## **7:00 PM REGULAR SESSION**

Call to Order: Chair Audrey Moore

Invocation: Commissioner Christopher Howden

Pledge of Allegiance: Commissioner Trent Thayn

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:00 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Thayn.

**PRESIDING:** Commissioner Audrey Moore

## **COMMISSIONERS**

**PRESENT:** Tracy Hill, Christopher Howden, Claude Jones, Debra Maughan, Trent Thayn, Wesley Warren

**CITY STAFF PRESENT:** Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning and Zoning Administrator Rob Patterson, Deputy Recorder Heather White

**OTHERS PRESENT:** Wendy Hart, Elizabeth Rice

## **1. UNSCHEDULED PUBLIC APPEARANCES**

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

None was offered.

## 2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion. Items on the consent agenda may be pulled for separate consideration.

- a. **Approval of Meeting Minutes** *General City Management*  
*Heather White, City Deputy Recorder*  
June 25, 2024, Planning Commission meeting minutes

*Commissioner Howden moved to approve the June 25, 2024 meeting minutes. Commissioner Jones seconded the motion. All present were in favor. The motion carried unanimously.*

## 3. ACTION ITEMS

- a. **PUBLIC HEARING/ORDINANCE: Text Amendment - HB 476 (Water-Wise Notice, Subdivision Process, Sidewalk Assurances)** *Development Code Update (Legislative)*  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The Planning Commission will hold a public hearing to consider amendments to the Highland City Development Code due to state law amendments found in HB 476.

Mr. Patterson explained that HB 476 was recently passed in the 2024 general legislative session. The amendments proposed by staff related to HB 476 addressed three items: water wise landscaping notice requirements, subdivision review procedures, and bonding for sidewalks. He explained that Highland had a park strip xeriscaping requirement for new developments. Staff proposed that developers be required to notify home buyers about the xeriscaping requirements for park strips. Mr. Patterson reviewed changes to subdivision review procedures. He explained that the new law permitted sidewalks to be bonded separately. State Law permitted cities to withhold certificates of occupancy. He asked the commissioners to consider including it in the city code. He said cities could not prohibit or withhold building permits, plat recordation, or acceptance of other public improvements due to lack of public sidewalks.

The commissioners discussed possible ramifications from the new state law. They wondered if it might keep people from moving into new homes or if it would impact the housing market. Commissioner Howden talked about the likelihood of sidewalks breaking throughout the construction process. He thought it was a good change. Mr. Patterson did not think bonding requirement amendments would have a significant impact on the housing market.

Commissioner Moore opened the public hearing at 7:19 PM and called for public comment.

Resident Elizabeth Rice wondered why Highland had park strips. She talked about monitoring water usage on her ½ acre corner lot and the amount of water that went into the park strip by her house. She said she contacted five groups over the last two months regarding grants for replacing plants in park strips. She thought there needed to be more incentives for established residents of Highland. She hoped that the city would change all watering in park strips. Ms. Rice was not fond of rock but having the ability to cap off 15 sprinkler heads in the park strip would be a huge water savings for her. She asked the planning commission to start having conversations with the city council about participating in incentive programs. She mentioned that a lot of her neighbors ripped out their trees because roots were buckling the sidewalks.

Commissioner Moore thought it was a great idea and pointed out that the commissioners had previously discussed the topic. Commissioner Howden said they needed to consider who would pay for the grants. Ms. Rice mentioned that Highland opted out of some of the incentive programs but thought there should be some kind of program the city could participate in. She did not expect Highland to pay for it and thought there was state or federal money

that could be used.

Commissioner Moore closed the public hearing at 7:30 PM and called for additional comments. Hearing none, she called for a motion.

*Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendments to the Highland City Development Code.*

*Commissioner Hill SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Absent</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

*The motion carried 7:0*

**b. PUBLIC HEARING/ORDINANCE: Text Amendment - Building Permit Public Improvements Development Code Update (Legislative)**

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will consider amendments to the Highland City Development Code clarifying public improvement requirements for undeveloped lots.

Mr. Patterson explained that the proposed amendments to the development code were to clarify public improvements for undeveloped lots. He reviewed the amendment to definitions for “zoning lot” and “nonconforming lot of record”. He discussed why the definitions mattered and said it would help staff know when building permits could be issued and when to require new public improvements. He explained that if a lot had no new impacts, the city could not require additional public improvements.

Commissioner Moore opened the public hearing at 7:38 PM and called for public comment. Hearing none, she closed the public hearing at 7:39 PM and called for a motion.

*Commissioner Maughan MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendments to Chapters 10 and 11 of the Highland Development Code.*

*Commissioner Jones SECONDED the motion.*

*The vote was recorded as follows:*

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

<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Absent</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

*The motion carried 7:0*

#### **4. COMMUNICATION ITEMS**

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

- a. General Plan Update** *Jay Baughman, Assistant City Administrator/Community Development Director*

Mr. Baughman encouraged the Planning Commissioners to attend the Utah Chapter of the American Planners Association Conference in Provo on October 10 – 11. He encouraged them to attend the community open house for the General Plan update on September 18 at 5:00 PM.

#### **ADJOURNMENT**

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

The meeting ended at 7:46 pm.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 27, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

**Welcome to the Highland  
Planning Commission Meeting**

**August 27, 2024**

*Please Sign the Attendance Sheet*




1



**7:00 PM REGULAR SESSION**

Call to Order – Chair Audrey Moore  
Invocation – Commissioner Christopher Howden  
Pledge of Allegiance – Commissioner Trent Thayn

2



**UNSCHEDULED PUBLIC APPEARANCES**

Time set aside for the public to express their ideas and comments on non-agenda items.

- Please state your name clearly.
- Limit your comments to three (3) minutes.

3

**CONSENT ITEMS**

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2a. Approval of Meeting Minutes: June 25, 2024 *General City Management*

4



**PUBLIC HEARING: HB 476  
DEVELOPMENT CODE AMENDMENTS**  
*Land Use (Legislative)*

Item 3a. – Action Item  
Presented by – Rob Patterson  
City Attorney, Planning & Zoning Administrator

5

**Background**

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- State passed HB 476 in 2024 legislative session, portions of which require amending the Development Code
- Items not addressed by proposed amendments:
  - Adjustments to development agreement requirements and limiting recordation of development requirements
  - Cities can regulate homes to prevent certain explosions
  - State permits 32 sqft rear setback encroachment for landings, walkout porches, and window wells

6

### HB 476 - Water Wise Landscaping

- HB 476 allows cities to require sellers of new homes to inform the first buyer of city water wise landscaping requirements
- City requires park strips to be xeriscaped
- Proposed amendment:
  - 6-321(5) The seller of a newly constructed residence shall inform the first buyer of the residence of the water wise and xeriscaping requirements for park strips.

7

### HB 476 - Subdivision Review Process

- HB 476 modifies the subdivision review process recently imposed by the state and adopted by the City:
  - 15-day review period for single/two-family and townhome preliminary and final plats (previously only preliminary)
  - 20-day review period for subdivision improvement plans for single/two-family and townhome subdivisions (previously also final plats)
  - Subdivision improvement plans submitted with preliminary OR final plats, not both (previously unregulated)
  - The 4-review-cycle limit applies to reviews of subdivision improvement plans (previously applied to plats)
  - Waiver of missed corrections now only applies to subdivision improvements plans (previously applied plats)

8

### HB 476 - Subdivision Review Process

- Proposed amendments incorporate these changes
  - 5-4-102 - review cycle process
  - 5-4-303 - preliminary plat application requirements
  - 5-4-305 - preliminary plat submittal requirements
- Primary change limits the details required for road, utility, and other infrastructure at preliminary plat stage
  - Removed preliminary storm drain calculations and landscaping plan
  - Clarified that preliminary utility/road plans to show only general connections, extensions, and locations

9

### HB 476 - Sidewalk Bonding

- Cities must allow public sidewalks to be bonded for separately from other public improvements and must have minimum 18 month term
- Cities cannot prohibit or withhold building permits, plat recordation, or acceptance of other public improvements due to lack of public sidewalks
- Cities CAN withhold certificates of occupancy until sidewalks are completed
- Proposed amendments incorporate these changes

10

### Staff Recommendation

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

11

### Proposed Motions

- I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendments to the proposed amendments to the Highland Development Code.  
 [Planning Commission may specify additional or different amendments as part of motion]

12



**PUBLIC HEARING: BUILDING PERMIT  
PUBLIC IMPROVEMENTS**  
*Land Use (Legislative)*

Item 3b. - Action Item  
Presented by - Rob Patterson  
City Attorney, Planning & Zoning Administrator

13

**Background**

- Staff have received questions regarding the developability of parcels of record or other unique parcels that were not originally created or improved as subdivision lots
- Staff proposes these amendments to provide clarity
  - When additional public improvements (road, utility, sidewalk, etc.) are required for a building permit
  - When a parcel is capable of being built on

14

**Current and Proposed Regulations**

- “Zoning Lot”
  - Current: defined as a lot created on a legally approved plat with frontage on an improved city street that “is in use by the public”
  - Proposed: lot must be served by improved road and utilities, plat must be recorded, and lot cannot be designated for non-development purposes

15

**Current and Proposed Regulations**

- “Nonconforming Lot of Record”
  - Current: lot of record legally created but does not conform to current land use regulations
  - Proposed: lot must be legally created and developed in accordance with prior land use regulations, and cannot be designated for non-development purposes

16

**Current and Proposed Regulations**

- Current: Building permits can only be issued for “zoning lots” and “nonconforming lots of record”
- Proposed: For building permits for “nonconforming lots of record,” require the lot to be improved to City standards per section 3-209
- 3-209: No building permit or other authorization shall be issued for a nonconforming lot authorizing any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that increases the impact on public facilities unless all improvements required by this Code are completed for the nonconforming lot or the lot is otherwise made to conform as a zoning lot. Such changes include:
  - The construction of a new dwelling unit, if no dwelling units currently exist on the lot;
  - The construction of additional dwelling units; and
  - The development of new or expanded commercial or industrial uses or structures.

17

**Other Considerations Not Proposed**

- Requiring new public improvements for new home built on lot with prior, old home
- Because there is no new impact, City cannot require additional public improvements

18

### Staff Recommendation

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

19

### Proposed Motions

- I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendments to Chapters 10 and 11 of the Highland Development Code.  
[Planning Commission may specify additional or different amendments as part of motion]

20



### PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

- a. **General Plan Update**
- b. **APA Conference**
- c. **Future Meetings**
  - September 3, City Council, 7:00 pm, City Hall
  - September 17, City Council, 7:00 pm, City Hall
  - September 18, General Plan Open House, City Hall
  - September 24, Planning Commission, 7:00 pm, City Hall
    - LUA/LU Tables

21