



## HIGHLAND CITY

# HIGHLAND PLANNING COMMISSION AGENDA

TUESDAY, FEBRUARY 24, 2026

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@highlandut.gov](mailto:planningcommission@highlandut.gov)

### 7:00 PM REGULAR SESSION

Call to Order: Chair Christopher Howden

Invocation: Commissioner Sherry Kramer

Pledge of Allegiance: Commissioner Trent Thayn

### 1. UNSCHEDULED PUBLIC APPEARANCES

Anyone may share information with the Planning Commission. If your comments require a response, staff or an official will contact you. Please limit your comments to three minutes per person. Please state your name.

### 2. CONSENT ITEMS

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

#### a. Approval of Meeting Minutes - January 27, 2026

*Heather White, Deputy City Recorder*

### 3. ACTION ITEMS

Items in this section are to be acted upon individually by the Planning Commission. A report will be given on these items.

#### a. PUBLIC HEARING/ORDINANCE: Text Amendment - Parkway Detail Accessory Structure Setback Development Code Update (Legislative)

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

The Planning Commission will hold a public hearing to consider a text amendment proposed by John Armstrong, Highland City resident, to reduce the currently required side-yard setbacks for accessory structures near parkway details.

#### b. PUBLIC HEARING/ORDINANCE: Text Amendment - Signs in Residential Professional Zone Development Code Update (Legislative)

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

The Planning Commission will hold a public hearing to consider options to amend the City's sign regulations related to the R-P (Residential Professional) zone.

#### c. PUBLIC HEARING/ORDINANCE: Rezone - TI Well Utility Project - POSTPONED

#### 4. DISCUSSION ITEMS

Items in this section are for discussion, and include supplementary information in the packet. No final action will be taken.

- a. **ACTION: Planning Commission Priorities, Detached ADU Discussion** *General City Management*  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The Planning Commission will review and discuss their priorities and detached ADU proposal.

#### 5. COMMUNICATION ITEMS

Items in this section are for notification and update. No final action will be taken.

### ADJOURNMENT

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

### ELECTRONIC PARTICIPATION

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

### CERTIFICATE OF POSTING

I, Rob Patterson, City Attorney/Planning & Zoning Administrator, 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.highlandut.gov](http://www.highlandut.gov)).

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 19th day of February, 2026  
Attorney/Planning & Zoning Administrator

Rob Patterson, City

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

TUESDAY, January 27, 2026

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

**Awaiting Formal Approval**

## VIRTUAL PARTICIPATION

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

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

### 7:00 PM REGULAR SESSION

Call to Order: Chair Chris Howden

Invocation: Commissioner Tracy Hill

Pledge of Allegiance: Commissioner Audrey Moore

The meeting was called to order by Commissioner Chris Howden 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 Hill and those in attendance were led in the Pledge of Allegiance by Commissioner Moore.

**PRESIDING:** Commissioner Chris Howden

### COMMISSIONERS

**PRESENT:** Jerry Abbott, Tracy Hill, Sherry Kramer, Debra Maughan, Audrey Moore, Wesley Warren

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

**OTHERS PRESENT:** Jon Hart, Liz Rice

### 1. UNSCHEDULED PUBLIC APPEARANCES

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

No comments were given.

### 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 – October 28, 2025 General City Management**

*Heather White, Deputy City Recorder*

*Commissioner Hill MOVED to approve the October 28, 2025 meeting minutes. Commissioner Warren SECONDED the motion. All present were in favor. The motion carried unanimously.*

**3. ACTION ITEMS**

**a. PUBLIC HEARING/ORDINANCE: Text Amendment –Preconstruction Meetings and Requirements: Development Code Update (Legislative)**

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

The Planning Commissioner will hold a public hearing to consider proposed amendments related to preconstruction meetings.

Mr. Patterson explained that Highland City had a long-held practice that required developers of subdivisions and new commercial projects to hold a preconstruction meeting with city staff after site plan/subdivision approval. This meeting was held prior to the start of any development work. He explained that the proposed amendment would add a new section to the development code with clear language about the process and requirements before on-site development could begin. Mr. Patterson reviewed the process of holding a preconstruction meeting after site plan/subdivision approval, paper copy submission requirements, fees/bonds to be paid, improvement agreements, and needed permits. The commissioners discussed the proposed amendment and were in favor of having a written process in order to make expectations clear.

Commissioner Howden opened the public hearing at 7:06 PM and asked for public comment. Hearing none, he closed the public hearing at 7:06 PM.

*Commissioner Maughan MOVED that the Planning Commission recommend approval of the proposed amendments related to preconstruction requirements.*

*Commissioner Moore SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion carried 7:0*

**b. PUBLIC HEARING/ORDINANCE: Text Amendment –Development Assurance Requirements: Development Code Update (Legislative)**

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

The Planning Commission will hold a public hearing to consider proposed amendments related to development assurances.

Mr. Patterson explained that the proposed changes added clarification. He gave an example of how development assurances worked and the different options available for developers. He spoke of performance guarantees and warranty assurances. Mr. Patterson explained that the amendment was to mainly clarify information developers needed to submit to calculate assurances. Additionally, staff proposed text changes that cleaned up redundant or unclear language; clarified the City's right to use and collect assurance proceeds to cover all administrative, legal, and construction costs and the costs to clear any liens or encumbrances; added a provision that the City would return any excess assurance proceeds that were not required to cover the City's costs; established the timing of when assurances were to be provided; and included a reference to the newly proposed preconstruction code language.

Commissioner Howden opened the public hearing at 7:18 PM and asked for public comment. Hearing none, he closed the public hearing at 7:18 PM and asked for additional discussion.

Commissioner Warren wondered what would happen if a guarantee/assurance ended up being drastically over or under actual costs. Mr. Patterson said the city would have extra money if it was over. He hoped city engineers would notice if an estimate was under. The city would not be able to finish all improvements if there wasn't enough from the developer.

*Commissioner Maughan MOVED that the Planning Commission recommend approval of the proposed amendments related to development assurances.*

*Commissioner Hill SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion carried 7:0*

#### **4. DISCUSSION ITEMS**

*Items in this section are for discussion and include supplementary information in the packet. No final action will be taken.*

##### **a. General Plan, 2026 Goals, and Detached ADUs General City Management**

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

City Staff and the Planning Commission will review the adopted General Plan and discuss goals for the upcoming year.

Mr. Patterson reviewed staff projects for the year. He said some were at the council's direction. They included:

- Update home occupation/business license regulations to reflect current procedures (in-home instruction/daycare licenses included)
- Update sign code
- Consolidate and update parking standards
- Create a single, comprehensive Land Use Table for all uses in all zones
- Create a single process for site plan applications
- Update sight triangle regulations, which are inconsistent
- State law updates
- Development applications

Additionally, goals related to the General Plan included:

- Draft and adopt an ADU ordinance for detached ADUs
- Draft and adopt a senior housing zone and/or explore a senior housing PD strategy, to apply to strategic areas such as the state-owned property south of Ridgeview

Mr. Patterson asked the commissioners if they had goals for the upcoming year. Commissioner Abbott suggested presenting the list to the city council before working on anything. Everyone agreed. The commissioners discussed various needs around the city and identified the following items:

- Draft ordinance for ADUs
- Trail maintenance/safety – include signs, paint, or markings. This would help identify trail locations or directions to the trail, safety, speed, slippery trail warnings, etc. Commissioner Kramer spoke of multiple individuals who had biking accidents while using city trails. (Commissioners Howden and Kramer)
- Senior housing facility with a memory care option – Maybe the Senior Care Assisted Living Overlay Zone could be written more broadly. Discuss option of a senior group home (Commissioners Moore, Maughan, and Hill)
- Updated fencing standards – specifically pertaining to stamped concrete (not fiberglass or plastic) along main roadways (Commissioner Kramer)
- Buried electrical lines – required by developers. Mr. Patterson will check with Rocky Mountain Power regarding existing power lines. (Commissioner Kramer)
- Updated Road Improvement Plan –very out of date (Commissioner Warren)
- Sidewalk Audit – include bike lanes, specifically around schools. He talked about receiving emails from kids who were not able to ride to school due to safety issues (Commissioner Warren)
- Flag lots (Commissioner Warren)
- Supporting local businesses – public/private partnership within city main (Commissioner Warren)
- Implement down-lighting or dark sky regulations (Commissioners Maughan and Kramer)
- Placemaking and city entrances – create cohesiveness within the city (Commissioners Maughan and Warren)

Commissioner Howden reviewed the previously proposed ADU regulations. Commissioner Abbott added that single family lots should not allow three separate dwelling units; an ADU should not be approved on a lot with a basement apartment or vice versa. He thought the square footage of an ADU should be limited. Commissioner Howden asked the commissioners to read through the proposed regulations for ADUs, make notes, suggest changes, etc.

## 5. COMMUNICATION ITEMS

Items in the section are for notification and update. No final action will be taken.

### a. 2026 Planning Commission Membership and Changes

Mr. Patterson would try to keep the commissioners informed about land use bills in the legislature. He suggested that they request to receive emails from The League of Cities and Towns.

## 6. CLOSED MEETING

The Planning Commission will recess to convene in a closed meeting to discuss items, as provided by Utah Code Annotated §52-4-205.

*Commissioner Howden MOVED that the Planning Commission recess the regular Planning Commission meeting to convene in a closed meeting in the Executive Conference Room to discuss pending or reasonably imminent litigation as provided by Utah Code Annotated §52-4-205.*

*Commissioner Maughan SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion carried 7:0*

*Commissioner Howden MOVED to end the closed meeting at 8:50 PM.*

*Commissioner Abbott SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion carried 7:0*

## ADJOURNMENT

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

The meeting ended at 8:51 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 27, 2026. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

DRAFT



# PLANNING COMMISSION AGENDA REPORT ITEM #3a

**DATE:** February 24, 2026  
**TO:** Planning Commission  
**PREPARED BY:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SPONSORED BY:** John Armstrong  
**SUBJECT:** Text Amendment - Parkway Detail Accessory Structure Setback  
**TYPE:** Development Code Update (Legislative)

**PURPOSE:**

The Planning Commission will hold a public hearing to consider a text amendment proposed by John Armstrong, Highland City resident, to reduce the currently required side-yard setbacks for accessory structures near parkway details.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission the proposed amendment from Mr. Armstrong and staff's alternative proposal and make a recommendation as to whether to keep the current setback or modify it.

**PRIOR REVIEW:**

No recent review of this setback requirement. The Planning Commission last considered this issue in 2016.

**BACKGROUND & SUMMARY OF REQUEST:**

Setbacks for accessory structures have been adjusted several times throughout Highland's history. Below is a summary of the R-1-40 accessory structure setbacks over recent history:

	Current (since 2016)	2010-2016	2009
Front Setback	30' or home, whichever is less	30' or home, whichever is less	None
Rear Setback	10'	10'	10'
Side Setback	10'	10'	10'
Street-side Setback (corner)	20' from street or parkway detail	10' from street or parkway detail	30'

As shown, in 2016, the City amended the accessory structure side setback requirements to increase the setback to 20 feet from the side lot line adjacent to the street or the parkway detail. Previously, accessory structures were allowed to be within 10 feet. Many accessory structures exist in Highland that are within 10 feet of parkway details, either because they were built 2010-2016, or because the 20-foot parkway detail setback was not consistently enforced. Indeed, across the street from the applicant's lot, within the same subdivision, City staff in 2021 permitted an accessory structure to be located approximately 5 feet

from the parkway detail.

John Armstrong owns lot 1 of the Stoney Brook subdivision, which is adjacent to 4800 West. 4800 West is one of the streets on which the City requires a parkway detail. When Stoney Brook was developed, the City required the developer to provide the parkway detail along 4800 West. The Parkway Detail is a 29-foot streetscape enhancement. 9 feet of that streetscape are within the City's right-of-way (the standard sidewalk + parkstrip width). The remaining 20 feet of the street scape are installed within a 20-foot wide landscape easement on the lot that burdens the entire western property line of Mr. Armstrong's lot.

Per R-1-40 standards, Mr. Armstrong's home is required to be 30 feet from property line, which is 10 feet from the parkway detail. But any accessory structure must be 40 feet from the property line in order to be 20 feet from the parkway detail. This means that accessory structures adjacent to parkway details within easements are more restricted than the home is, which is atypical for accessory structures. This has restricted his desired use of property.

Mr. Armstrong has applied to amend the zoning code to reduce the accessory structure setback adjacent to parkway details to measure the accessory structure setback from back of curb, and then impose a 30-foot setback requirement. This would allow Mr. Armstrong and other owners of property in the R-1-40 zone adjacent to parkway details to build accessory structures 1 foot away from the parkway detail, while remaining 30 feet away from the actual street. Attached is a narrative from the applicant explaining the proposal and their reasoning for the proposed amendments.

If the Commission supports this change, staff would recommend that the code be modified differently than proposed by the applicant to specify that accessory structure street-side setbacks should be 20 feet from property line OR 1 foot from the parkway detail, whichever is more restrictive. This reduces the code changes and makes it more broadly applicable for properties that are adjacent to a parkway detail that is on City property, rather than on their property. Staff discussed this option with the applicant prior to the meeting. Staff would also recommend applying the same standard to all residential zones.

This is a legislative item, so the Planning Commission can choose to approve the proposed amendment (either as proposed by the applicant or as proposed by staff), adopt a modified version of the amendment (e.g., requiring accessory buildings to be at least 5 feet away from the parkway detail, rather than 1 foot), or rejecting the amendment and maintaining current regulations.

Included with this report is a diagram showing the various setbacks and proposals, the applicant's narrative and proposed amendments, staff's alternative language for those amendments, and copies of correspondence between the City Attorney and the applicant regarding the interpretation and application of the 20-foot parkway detail setback. This correspondence is included for reference and background information.

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

Staff has no position on whether to amend the street-side setbacks for accessory structures. The scope of side setbacks adjacent to a parkway detail is a policy decision. Staff's recommendations are that, if the Commission supports the applicant's request, that the Commission recommend using staff's alternative language and that the Commission recommend making the same changes to the R-1-30 and R-1-20 zones for consistency.

#### **MOTION:**

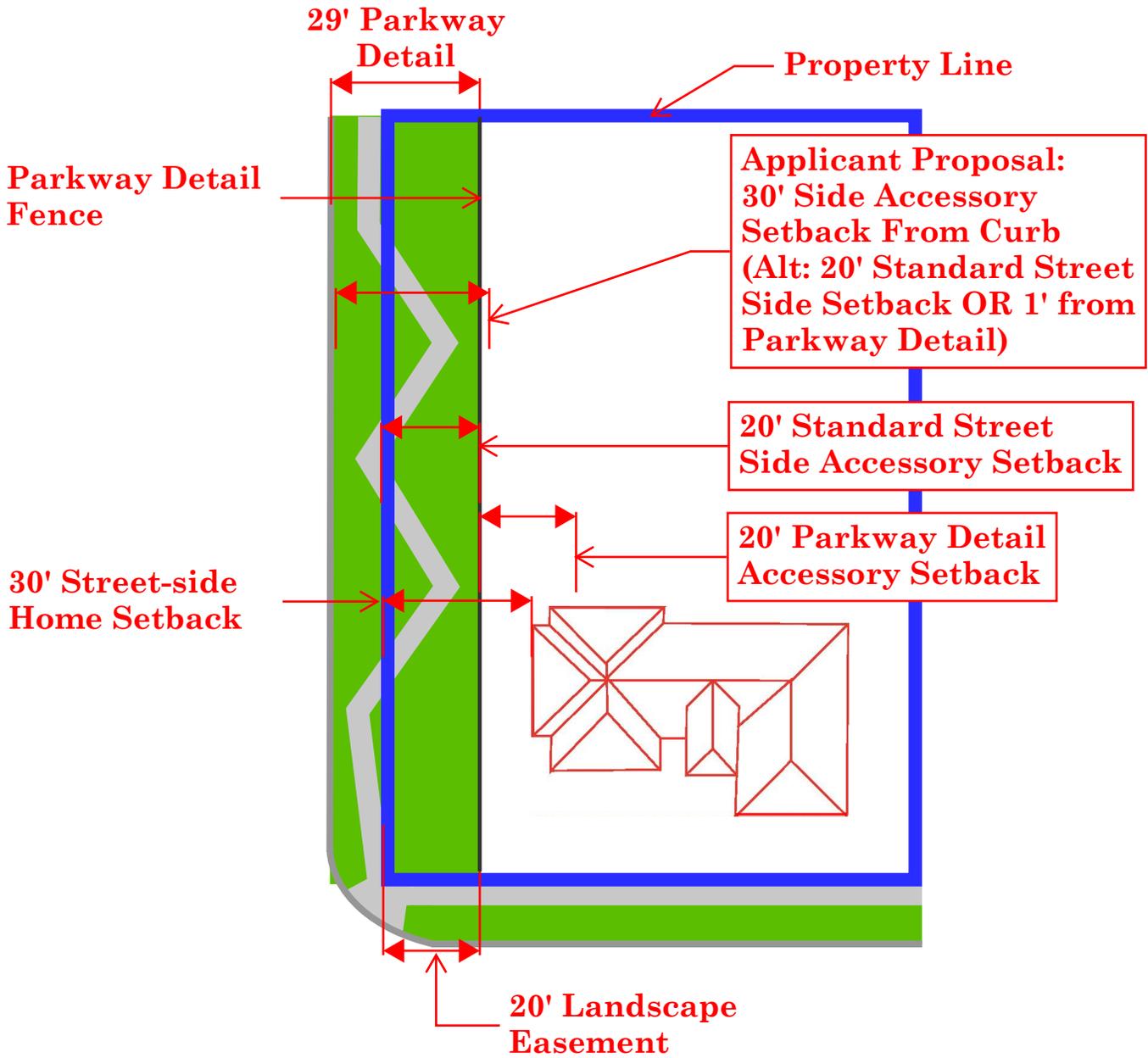
I move that the Planning Commission recommend that the City Council:

1. Adopt the amendments as proposed by the Applicant; OR
2. Adopt the alternative amendments as proposed by Staff; OR
3. Reject the proposed amendments.

With options 1 and 2, the Commission may specify additional or different standards to be adopted.

**ATTACHMENTS:**

1. Diagram
2. Applicant Narrative and Memo
3. Applicant Proposed Amendments
4. Staff Alternate Language
5. City Letter - Stoney Brook Lot 1 - Parkway Detail Setback
6. Owner\_Rebuttal\_City\_Attorney\_Parkway\_Detail\_Setback



## **Staff Memo – Justification for Proposed Text Amendment**

To: Highland City Planning Commission and City Council

From: Chad Broadhead, Applicant / Contractor

Re: Development Code Text Amendment – Parkway Detail Setback Clarification

### **Purpose of the Amendment**

The purpose of this proposed text amendment is to clarify how setback requirements are measured for accessory buildings adjacent to a required Parkway Detail. The amendment is intended to resolve an unintended cumulative setback interpretation that results in disproportionate setbacks for accessory buildings when compared to principal structures on the same lot.

### **Background**

Highland Development Code § 3-4109(4)(c)(i) currently requires accessory buildings to be set back twenty feet (20') from the Parkway Detail. In practice, where the Parkway Detail is implemented as a 29-foot-wide landscaped area within a recorded landscape easement, this language has been interpreted to require an additional 20-foot setback beyond the Parkway Detail, resulting in a total setback of approximately 49 feet from the street right-of-way.

This interpretation creates a setback requirement for accessory buildings that exceeds the setback required for the principal structure on the same lot. This outcome was not explicitly stated in the code and appears inconsistent with common zoning principles, which typically require accessory structures to meet equal or lesser setbacks than principal structures.

### **Issues Created by the Current Interpretation**

- Produces an excessive and disproportionate setback that limits reasonable use of private property.
- Creates internal inconsistency between principal and accessory structure standards.
- Results in nonuniform enforcement and development outcomes across the city.
- Conflicts with previously approved developments where accessory structures were placed closer to the parkway area.
- Introduces ambiguity by measuring setbacks from internal easement boundaries rather than from the street right-of-way.

### **Proposed Amendment Rationale**

The proposed amendment clarifies that the required Parkway Detail area is included within the overall setback measurement, rather than requiring an additional cumulative setback. By establishing a single setback measured from the street right-of-way, the amendment maintains full protection of the Parkway Detail while restoring proportionality and predictability to the code.

The amendment does not eliminate or reduce the Parkway Detail. All required landscaping, sidewalks, fencing, and maintenance access remain fully intact. The change solely clarifies how setbacks are measured relative to those improvements.

### **Consistency with the General Plan**

The proposed amendment is consistent with the Highland City General Plan, which promotes orderly development, functional streetscapes, and equitable land use regulations. Clarifying setback measurements supports these goals by ensuring that zoning standards are applied consistently and transparently.

### **Conclusion**

This text amendment represents a clarification of existing standards rather than a policy change. It resolves ambiguity, aligns accessory building setbacks with principal structure requirements, and preserves the intent and functionality of the Parkway Detail. Approval of this amendment will improve code clarity, reduce future disputes, and support fair and consistent development throughout Highland City.

## Proposed Development Code Text Amendment – Legislative Format

### § 3-4109(4)(c)(i) Parkway Detail Setback

Accessory buildings shall be set back a minimum of ~~twenty feet (20 feet) from the Parkway Detail~~ thirty feet (30 feet) from the adjacent street curb.

The required Parkway Detail area, including any landscape easement established for its installation or maintenance, shall be included within this setback measurement and shall not require an additional or cumulative setback beyond the width of the Parkway Detail.

New subsection added

### § 3-4109(4)(c)(iv) Setback Measurement

For purposes of this section, required setbacks shall be measured from the street right-of-way line. Setbacks shall not be measured from the interior boundary of a landscape easement, Parkway Detail improvement, or similar streetscape feature unless expressly stated in this code.

## CITY STAFF ALTERNATIVE LANGUAGE

This language is proposed not as an endorsement of the proposed text amendment, but as an alternative way of accomplishing the amendment that, in staff's view, is simpler and more consistent with existing City Code.

### 3-4109 Accessory Building [R-1-40]

All accessory buildings within this zone shall conform to the following standards, setbacks, and conditions:

...

4. Setbacks. All accessory buildings shall comply with the following setbacks, unless a greater setback is otherwise required:
  - a. All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less.
  - b. An accessory building shall be set back from the rear property line a minimum of ten feet (10').
  - c. All accessory buildings shall be set back from the side property line a minimum of ten feet (10').
    - i. All accessory buildings shall be set back ~~at minimum an amount of~~ twenty feet (20') from the side lot line which abuts a street or ~~one twenty-fooeet~~ (20') from the Parkway Detail, whichever is more restrictive.
  - d. All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.

### 3-4209 Accessory Building [R-1-20]

All accessory buildings within this zone shall conform to the following standards, setbacks, and conditions:

...

4. Setbacks. All accessory buildings shall comply with the following setbacks:

a. All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less.

b. An accessory building shall be set back from the rear property line a minimum of ten feet (10').

c. All accessory buildings shall be set back from the side property line a minimum of ten feet (10').

i. All accessory buildings shall be set back ~~at minimum an amount of~~ twenty feet (20') from the side lot line which abuts a street or ~~one twenty foot~~ (20') from the Parkway Detail, whichever is more restrictive.

d. All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.

### 3-4259 Accessory Building

All accessory buildings within this zone shall conform to the following standards, setbacks, and conditions:

...

4. Setbacks. All accessory buildings shall comply with the following setbacks:

a. All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less.

b. An accessory building shall be set back from the rear property line a minimum of ten feet (10').

c. All accessory buildings shall be set back from the side property line a minimum of ten feet (10').

ii. All accessory buildings shall be set back ~~at minimum an amount of~~ twenty feet (20') from the side lot line which abuts a street or one foot (1') from the the Parkway Detail, whichever is more restrictive.

d. All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.



**Highland City**  
**5400 West Civic Center Drive ~ Suite 1**  
**Highland, UT 84003**  
**Phone (801) 756-5751 | Fax (801) 756-6903**

January 8, 2026

**RE: Formal Code Interpretation Request – Parkway Detail vs. Landscape Easement (R-1-40, Stoney Brook Plat A) – Chad Broadhead**

You requested written confirmation of Highland City’s interpretation of an accessory building setback requirement related to a proposed accessory structure on lot 1 of the Stoney Brook plat A subdivision. The code at issue is the provision in Highland Development Code § 3-4109(4)(c)(i) requiring all accessory buildings to “be set back a minimum of ... twenty feet (20’) from the Parkway Detail.”

You make the argument that because the landscape easement recorded on lot 1 in the Stoney Brook subdivision is not labelled as a parkway detail, therefore the 20’ Parkway Detail setback requirement does not apply. This is incorrect. Nothing in the regulation limits its application only to easements called “parkway details.” The plain language of the regulation is that the 20’ setback applies whenever there is a “Parkway Detail” as defined by City land use regulations.

“Parkway Detail” is defined in City land use regulations as a specific streetscape/landscape improvement. This definition is in the City’s general plan and adopted design specifications. These specify the Parkway Detail is “a 29 foot wide strip with a 5 foot meandering sidewalk, landscaping, and fence,” which is required to be installed along certain roads, including 4800 West. *See* Standard Drawing ST-07. It is separate and distinct from a park/planter strip. Park strips are defined in Highland Development Code § 3-621 as “the area between the sidewalk and the curb.” The Parkway Detail, in contrast, encompasses both sides of the sidewalk.

The current general plan (<https://www.highlandut.gov/225/General-Plan>) provides:

Highland City has developed a Parkway Landscape Detail that is intended to provide major roads in Highland City with a side treatment that is attractive and functional for pedestrians and other roadway users. Roads on which Highland City has implemented or is planning to implement the Parkway Landscape Detail include: ... 4800 West.

Page 3-46. The proposed new general plan (found on same webpage) similarly provides on page 31:

Highland has adopted a “parkway detail” streetscape and landscaping standard for key gateways and corridors. ... The parkway detail generally includes a 29-foot landscaped area on each side of the street, with trees, attractive fencing, and a meandering sidewalk or trail. The standard has been implemented, or is planned, along major corridors

including ... 4800 West.

Highland Development Code sections 2-104, 5-1-105(1), and 5-5-101 require all streets, parks, and public ways, grounds, and spaces, and all subdivisions to conform to the requirements of the General Plan. *See also* Utah Code § 10-20-407. Thus, the City must provide for the installation and maintenance of the Parkway Detail along 4800 West. So when Stoney Brook was developed, the City required the developer to provide the Parkway Detail. The developer did so in two ways.

First, the developer planned for and constructed the landscaping and improvements necessary to provide the Parkway Detail along 4800 West. Attached is the relevant page of the approved subdivision improvement plans. Note the 29-foot landscaping/streetscape plans and the incorporation of the City's Parkway Detail standard drawing. This created the Parkway Detail streetscape.

Second, the developer dedicated an easement to the City to allow the City to maintain the landscaping installed by the developer that make up the Parkway Detail. That is what is recorded on the subdivision plat. The Parkway Detail is not defined by property ownership—it can be installed within an easement, as in Stoney Brook, or within City-owned property, as has been done in other subdivisions. What matters is that the streetscape is installed and that the City has the right to maintain it, however ownership of the property is settled.

In short, the parkway detail is the streetscape improvement, while the landscape easement is the mechanism used in the Stoney Brook development by which the developer granted the City the right to maintain that streetscape improvement. During our conversations in 2024, I made it clear that the landscape easement contains the City's Parkway Detail.

The City's land use regulations and the Stoney Brook development expressly define the streetscape improvements within the landscape easement on lot 1 in Stoney Brook as the Parkway Detail. City Development Code requires accessory buildings to be set back 20 feet from the Parkway Detail. Therefore the setback applies to the proposed accessory building on lot 1. Because the boundary of the 29-foot-wide Parkway Detail corresponds with the boundary of the 29-foot-wide landscape easement, the setback is measured from the boundary of the landscape easement.

This is the City's final decision on this issue. Options moving forward are (1) appeal this decision to the City's land use appeal authority, (2) apply for a development code text amendment to change the zoning code and setback requirement, or (3) comply with the setback requirement and relocate the proposed accessory structure.

Sincerely,

/s/ Robert A. Patterson

Robert Patterson  
Highland City Attorney  
Planning & Zoning Administrator

## **Owner Rebuttal to City Attorney Code Interpretation Letter**

To: Highland City Planning Commission and City Council

From: Property Owner

Re: Rebuttal to January 8, 2026 City Attorney Letter – Parkway Detail Setback Interpretation

### **Introduction**

This rebuttal is submitted by the property owner in response to the City Attorney’s January 8, 2026 formal code interpretation regarding accessory building setbacks adjacent to the Parkway Detail. While the City’s letter provides a legal rationale for the current interpretation, the resulting application of the code produces outcomes that are inconsistent, disproportionate, and not clearly supported by the plain language or intent of the Development Code.

### **1. Additive Setback Is Not Explicitly Required by Code**

The City Attorney’s interpretation assumes that the 20-foot setback from the Parkway Detail is additive to the width of the Parkway Detail itself. However, § 3-4109(4)(c)(i) does not explicitly state that the setback is cumulative or that it must be measured from the interior boundary of a landscape easement. Where zoning regulations impose additive or compounded setbacks, such requirements are typically stated explicitly.

In the absence of clear language requiring cumulative measurement, the code should be interpreted in a manner that avoids unreasonable or excessive restrictions on property use.

### **2. Inconsistent Treatment of Accessory and Principal Structures**

Under the current interpretation, an accessory building is required to be set back approximately 49 feet from the street right-of-way, while the principal residence on the same lot is subject to a substantially lesser setback. This creates an internal inconsistency within the zoning code, where a subordinate structure is subject to a more restrictive standard than the primary structure.

Such an outcome conflicts with standard land use principles and is not supported by any express policy statement in the Development Code or General Plan.

### **3. Measurement from Easement Boundaries Is Unclear and Unusual**

The City Attorney’s letter concludes that setbacks must be measured from the boundary of the landscape easement because it contains the Parkway Detail. This approach introduces ambiguity and inconsistency, as easements are legal instruments for access and maintenance, not zoning lot lines. Measuring setbacks from easement boundaries rather than from street right-of-way lines or property lines is unusual and not clearly articulated in the code.

#### **4. Citywide Inconsistency and Established Development Pattern**

The City has acknowledged that similar accessory buildings have been approved and constructed within the same setback area elsewhere in Highland City. While the City has characterized these approvals as mistakes, their existence demonstrates that the current code language has been interpreted differently over time by City staff.

This pattern underscores the ambiguity in the code and supports the need for a clarifying text amendment rather than continued reliance on a single restrictive interpretation.

#### **5. Parkway Detail Is Fully Preserved Without an Additive Setback**

The property owner does not dispute the City's authority to require, install, and maintain the Parkway Detail. The proposed accessory building respects the full 29-foot Parkway Detail and does not encroach upon any required streetscape improvements.

Requiring an additional 20-foot setback beyond the Parkway Detail does not enhance the functionality or protection of the streetscape and instead imposes an unnecessary burden on private property without a corresponding public benefit.

#### **6. Basis for Text Amendment Request**

Given the ambiguity in the existing language, the inconsistent application across the city, and the disproportionate impact on accessory buildings, the property owner respectfully requests that the City adopt the proposed text amendment to clarify setback measurement standards.

This amendment would preserve the City's Parkway Detail objectives while ensuring that setback requirements are applied fairly, proportionately, and consistently.

#### **Conclusion**

The City Attorney's interpretation represents one possible reading of the code, but it is not the only reasonable interpretation and produces outcomes that conflict with fundamental zoning principles. Adoption of the proposed text amendment will resolve this ambiguity, reduce future disputes, and better align the Development Code with actual development conditions and policy intent.



# PLANNING COMMISSION AGENDA REPORT ITEM #3b

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**DATE:** February 24, 2026  
**TO:** Planning Commission  
**PREPARED BY:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SPONSORED BY:** Highland City Council  
**SUBJECT:** Text Amendment - Signs in Residential Professional Zone  
**TYPE:** Development Code Update (Legislative)

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## **PURPOSE:**

The Planning Commission will hold a public hearing to consider options to amend the City's sign regulations related to the R-P (Residential Professional) zone.

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission consider the options, hold a public hearing, and recommend the option(s) that the Planning Commission believes best aligns with City goals and policies.

## **PRIOR REVIEW:**

The Planning Commission has not recently reviewed commercial signs for the R-P zone.

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

The R-P (Residential Professional) zone is applied to three areas in Highland: Move Studio property (formerly The Pointe), the dental office property just west of the car wash on SR-92, and the southeast corner of SR-92 and Alpine Highway, which consists of a 5-acre commercial development with three buildings: Wells Fargo, the Intermountain Health clinic, and an office building. This corner development area is part of the City's expanded "Town Center" designation in the 2026 General Plan. 2026 General Plan, p. 20.

The current sign regulations for the R-P zone allow only one monument sign per highway frontage and have restrictive setbacks. In the corner development, Wells Fargo and the clinic have installed both available monument signs. This means that the third building in the project, the office building, cannot install a new monument sign for its tenants. The R-P zone also does not permit commercial center freestanding signs (the tall, multi-tenant signs for an overall commercial project). This appears to unfairly favor the first two owners (Wells Fargo and Intermountain) and disadvantage the owner of the office building, which was built last.

This issue was raised to the attention of the City Council, who supported amending the City's code regarding signs to allow the office building a fair chance to have appropriate signs and advertising. The City Council generally supported modifying the setback regulations for monument signs in order to allow an additional monument sign for the office building. The owner of the office building also contacted City staff to inquire about the possibility of additional signage and proposed modifying the

regulations in order to have a multi-tenant commercial center freestanding sign. Both options are presented below.

### **Option 1 - Additional Monument Signs**

This option removes the 1-per-frontage limitation on monument signs, adds a restriction that a business can only have one monument sign per frontage (to prohibit doubling-up on monument signs), adds a 15-foot setback from residential zones, and adds an exception to the standard 130-foot sign-to-sign setback for signs on either side of the drive access. This would allow the office building to install a multi-tenant monument sign on the east side of the access from SR-92.

Option 1 would not affect Move Studio, the dental office, Wells Fargo, or the clinic. Move Studio and the dental office are each already allowed to have one monument sign along SR-92, but they could not install additional monument signs on SR-92 or the adjacent residential streets. Option 1 would not change this result. Option 1 would also not affect Wells Fargo or the Intermountain Clinic. They would retain their existing monument signs, but they would not be entitled to install an additional monument sign, which means there is no impact to them from this change.

### **Option 2 - Allow Commercial Center Freestanding Sign**

This option would not change monument signs, but instead allow the overall R-P corner area to have a commercial center freestanding sign (CCFS), similar to the one near Town Center (Meiers and Cubby's). In general, CCFS are permitted only along highways, are limited to one per highway, and can only be installed on commercial developments of at least 4 acres. The proposed language copies the CCFS regulations for the Town Center Commercial and C-1 Commercial zones, which are more restrictive than the regulations for the C-R zone on the north side of SR-92.

The only difference is that the minimum setback from the intersection of SR-92 and Alpine Highway is reduced from 400 feet to 250 feet in order to allow an area along SR-92 for a CCFS in the R-P corner development. Otherwise, the regulations are exactly the same as Town Center and C-1: 1 CCFS per highway, 15-foot height with 3-foot stone base, 243 square feet per side, to be made from specific, permitted materials (stone, wood, masonry, metals, plastic for lettering). This option could be further modified to only allow one CCFS within the project along SR-92 if desired, rather than one on both SR-92 and Alpine Highway.

Option 2 would not affect Move Studio or the dental office, because they do not meet the minimum size requirement (4 acres) to have a CCFS. Option 2 may benefit Wells Fargo and the clinic, as they could put a sign on a CCFS if permitted by the sign owner, which would be in addition to their existing monument signs.

Attached to this report is the proposed code amendment for each option and examples of monument signs and the Town Center Commercial CCFS.

The owner of the office building has asked to be allowed to install a CCFS, but locate it on the east side of the drive access from SR-92 (the location from Option 1 with the sign type from Option 2). This would put the sign close to the residence to the east. Currently, all CCFS must be located at least 80 feet from a residential zone, which the owner's request would not meet. Staff would be more comfortable allowing a monument sign (max height 6') in that location rather than a CCFS (max height 15') due to the visual impact to the adjacent residential property. Accordingly, staff has not proposed a code amendment exactly as requested by the owner of the office building.

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

The General Plan recommends that the City focus on strengthening existing businesses, rather than expanding commercial areas, and that the City explore ways to strengthen the City's Town Center area: "Achieving the vision for Highland's Town Center has long been a guiding ideal, yet the area has not fully realized its potential as the heart of the community. Moving toward a unified and vibrant center will likely require a combination of targeted programs, clear design standards, business attraction efforts, and incremental improvements." 2026 General Plan, p. 27. Accordingly, staff supports modifying the sign regulations in order to provide more equitable and fair treatment of Highland businesses.

Staff believes that allowing a modest increase in allowable signage in the RP zone that aligns with the already allowed signage in adjacent commercial zones in the Town Center area is a reasonable way of supporting existing businesses and the Town Center, as directed by the General Plan. Accordingly, staff recommends that the Planning Commission consider recommending allowing additional monument signs (option 1), commercial center freestanding signs (option 2), or both in the R-P zone. The Planning Commission can also explore alternatives to the presented options.

**MOTION:**

I move that the Planning Commission recommend that the City Council:

1. Adopt Option 1 to allow additional monument signs within the R-P zone; AND/OR
2. Adopt Option 2 to allow commercial center freestanding signs within the R-P zone;

The Commission may specify additional or different standards to be adopted.

**ATTACHMENTS:**

1. Sign Examples
2. Diagram of Current Regulations and Options
3. Proposed R-P Sign Amendment Options

Monument Signs

RP – Residential Professional

Town Center Commercial



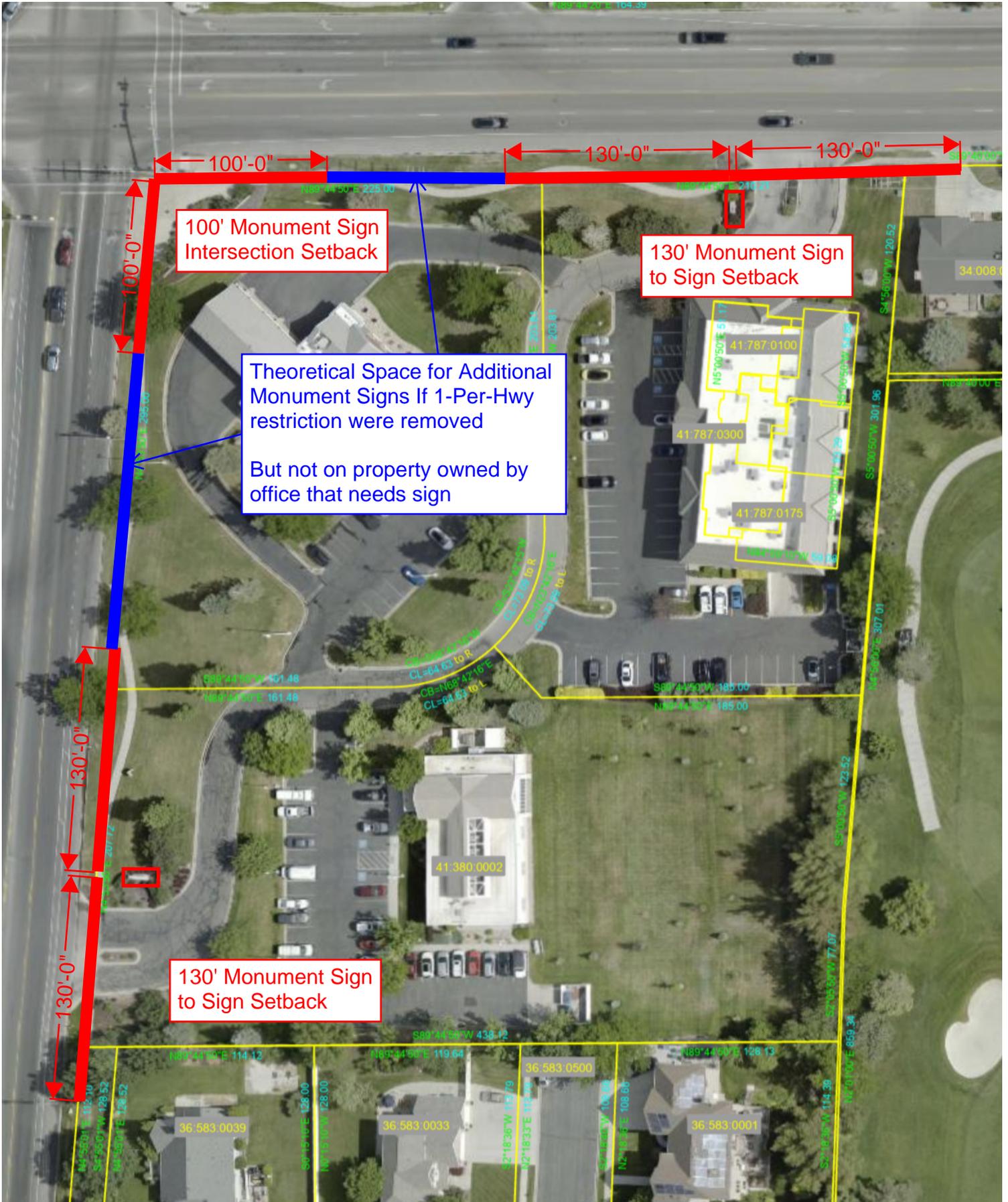
Commercial C-1



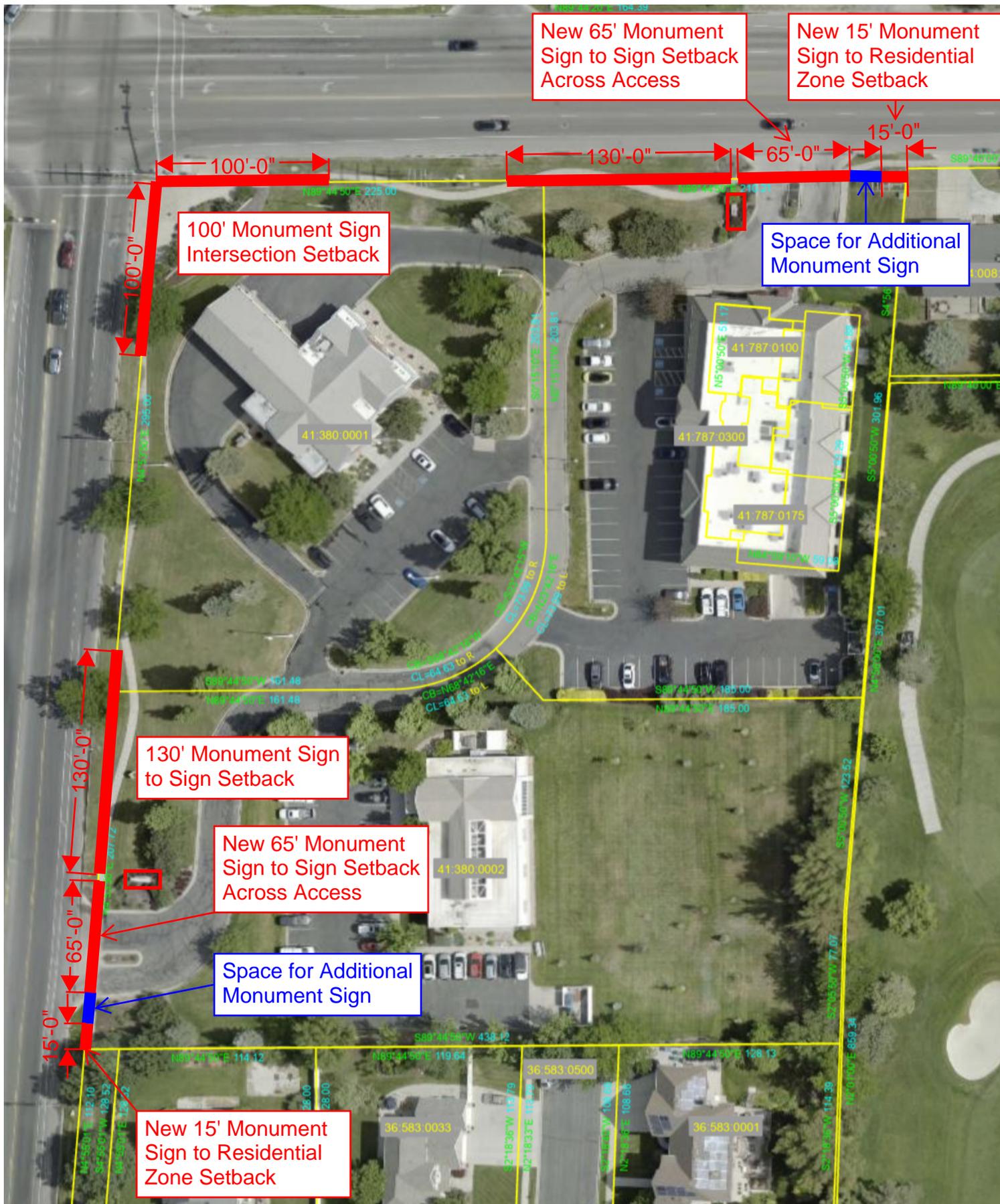
Commercial Center Freestanding Signs



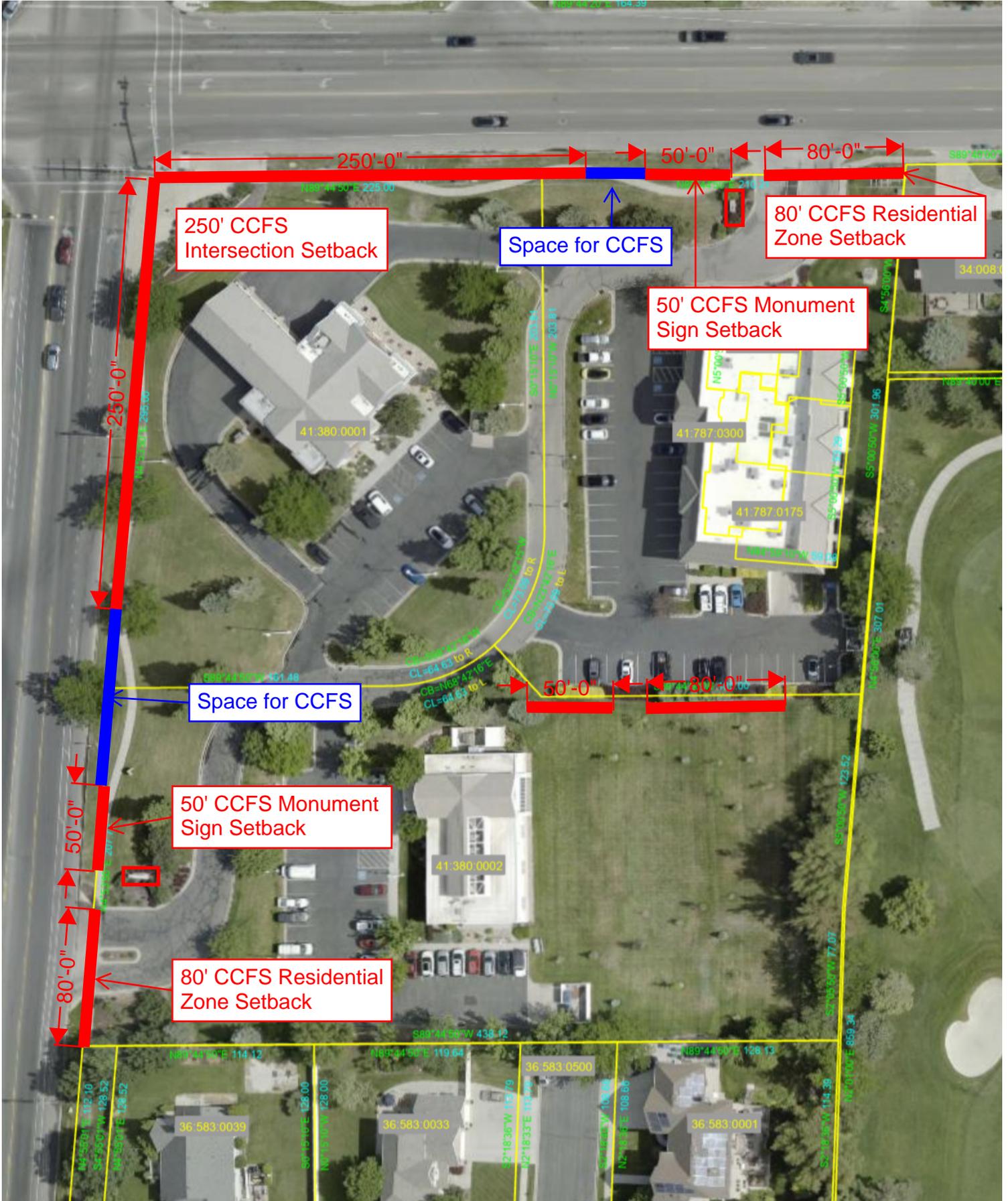
# Current Regulations



# Option 1 - Allow More Monument Signs, Reduce Setbacks Across Access



# Option 2 - Allow Commercial Center Freestanding Sign



Option 1 (Council Suggestion) - Reduce Monument Sign Setbacks

**Table 3-707A**

ZONE	...	RP Zone
...	...	...
Monument Sign	...	<p>Height: 6 ft. max.                      Size: max. 42 sq. ft. per side; 2.5 ft. deep max.                      Frontage: Building advertised shall be within 50 feet of SR-92 or SR-74.                      Location: between building and adjacent highway, not in ROW. Material: stone, wood (accent), architectural concrete), architecturally suited metals.</p>

**3-709 Monument Signs**

A developer/owner or commercial development may choose to construct one monument sign along SR-92 or SR-74 for each building located less than fifty (50) feet from the nearest highway if it meets all of the requirements defined in this ordinance. If there is more than one business within a building located less than fifty (50) feet from either highway, then each business within that building shall share one monument sign. Monument signs shall not be installed within a required hardscape area designated as required open space. It is encouraged that these signs be approved during the site plan approval process. Monument signs shall be uniform in material as specifically defined and shall incorporate the development project name within the design. All monument signs of a sign type or general location that has not been previously approved shall be approved by the architectural review Land Use Authority prior to construction/installation. These signs may only be considered as follows:

1. Location. The location for monument signs are specifically defined by each zone as follows:

...

- c. R-P Zone. The owners/developers of allowed uses within the R-P Zone may choose to construct one-up to two shared monument signs along SR-92 and one-up to two shared monument sign along SR-74 to advertise the businesses located within the project area. It is encouraged that these signs be approved during the site plan approval

process. Monument signs shall be uniform in material and shall incorporate the development project name within the design. These signs may only be considered as follows:

- i. Each business within the R-P Zone within a commercial/office building facing SR-92 or SR-74 shall be permitted to be placed upon a shared monument sign that is perpendicular to the adjacent right-of-way the business and within one 300-foot section of frontage. A business may not have multiple monument signs along the same right-of-way.
- ii. A monument sign within the R-P Zone may not be constructed within 130 feet from another monument sign, provided that this setback may be reduced to 65 feet for monument signs located on either side of a vehicular access from the adjacent right-of-way into the project site. Monument signs shall not be constructed within 15 feet of a residential zone.
- iii. A monument within the ~~R~~-R-P Zone sign may not be installed within 100 feet of the intersection of SR-92 or SR-74.
- iv. A monument sign within the R-P Zone may only be installed within the landscaped area and within the private property of a business or shopping center.
- v. A monument sign within the R-P Zone shall not be installed within the vehicle safety sight triangle of an intersection or ingress/egress.
- vi. A monument sign within the R-P Zone shall not exceed forty two (42) square feet in size or six (6) feet in height.
- vii. Every monument sign constructed within the R-P Zone shall be consistent with and approved sign theme and shall be constructed out of identical materials and colors.
- viii. If a business or profession within the R-P Zone is located within a commercial/office building where there is more than one operation located within that building then those businesses may only advertise on a previously identified monument sign as defined above.

...

2. Size. Except as specifically provided otherwise in this section or in Table 3-707A, Ffor buildings with one business advertised, the monument sign shall be a maximum of four (4) feet tall, maximum of five (5) feet wide, and a

maximum of two (2) feet deep for a total of twenty (20) square feet per sign face. For buildings with two businesses advertised, the monument sign shall be a maximum of five (5) feet tall, maximum of six (6) feet wide, and a maximum of two (2) feet deep for a total of thirty (30) square feet per sign face. For buildings with three or more businesses advertised, the monument sign shall be a maximum of six (6) feet tall, maximum of seven (7) feet wide, and a maximum of two (2) feet deep for a total of forty-two (42) square feet per sign face. At minimum, a one (1) foot rock base shall be required for all monument signs and shall be included when determining sign height. The height shall be measured from the top of the sidewalk along SR-92 or SR-74 immediately perpendicular and adjacent to the sign location. See figure 3-709.1 for definition of height, width and depth.

Option 2 (Property Owner Idea) – Allow Commercial Center Freestanding Sign

**Table 3-707A**

ZONE	...	RP Zone
...	...	...
Commercial Center Freestanding Sign	...	<p><u>Not Permitted</u></p> <p><u>Height: 15 ft. max., 3 ft. min. stone base</u></p> <p><u>Size: 243 sq ft max. per side including a min. 3' rock base</u></p> <p><u>Frontage: 10 ft. min. Building advertised shall be min. 100' &gt; 1 lot deep from SR-92 or SR-74.</u></p> <p><u>Location: One (1) on SR-92; one (1) on SR-74. Minimum 250 feet from intersection of highways and 50 feet from a monument sign.</u></p> <p><u>Material: Natural — stone, wood, masonry, architecturally suited metals, Plastic (if inside pan-channel type lettering) same per zone</u></p>

**3-710 Commercial Center Freestanding Signs**

This Section shall permit the developer or business association of a planned commercial development project within a commercially zoned property identified in Table 3-707A that is greater than four (4) acres ~~in the C-1, CR, or Town Center Zone~~ to apply for a permit to install ~~two (2)~~ permanent commercial center freestanding signs for each along the highway frontages of the zone or project per zone in accordance with. ~~The requirements listed below and Table 3-707A are required in order to obtain a sign permit prior to installation/ construction of the sign:~~

1. Location. For each project locations of commercially zoned property equal to four (4) acres or more, ~~located within the C-1, C-R or Town Center Zones, two commercial freestanding signs~~ may be installed along the highway frontages of the zone or project in accordance with the setback, location, and number regulations set forth in Table 3-707A. No commercial center freestanding sign shall be constructed ~~This sign may not be constructed within 300 feet from the intersection of SR-92 or SR-74 or within 350 feet of another commercial center freestanding sign or within 50 feet of a monument sign or within 80 feet of a residential zone.~~

2. Size. A commercial center freestanding sign shall have a maximum height and size as set forth in Table 3-707A ~~of twenty-two (22) feet with a minimum 3-foot rock base for a total of twenty-five (25) feet, a maximum width of sixteen (16) feet, and a maximum depth of four (4) feet.~~ The height shall be measured from the top of the sidewalk along SR-92 or SR-74 immediately perpendicular and adjacent to the sign location. See figure 3-710.1 for definition of height, width, and depth.



# PLANNING COMMISSION AGENDA REPORT ITEM #4a

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**DATE:** February 24, 2026  
**TO:** Planning Commission  
**PREPARED BY:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SPONSORED BY:** Planning Commission  
**SUBJECT:** Planning Commission Priorities, Detached ADU Discussion  
**TYPE:** General City Management

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**PURPOSE:**

The Planning Commission will review and discuss their priorities and detached ADU proposal.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission review its list of priorities, give additional direction on timing and implementation, and continue the discussion on detached ADU regulations.

**PRIOR REVIEW:**

Priorities and the previously proposed detached ADU regulations were discussed during the January 27, 2026, meeting.

**BACKGROUND & SUMMARY OF REQUEST:**

PC goals identified during the January 2026 meeting are listed below:

- Draft ordinance for ADUs
- Trail Maintenance/Safety – include signs, paint, or markings (Commissioners Howden and Kramer)
- Senior housing facility with a memory care option (Commissioners Moore, Maughan, and Hill)
- Updated fencing standards – specifically pertaining to stamped concrete (not fiberglass or plastic) along main roadways (Commissioner Kramer)
- Buried electrical lines – required by developers (Commissioner Kramer)
- Updated Road Improvement Plan (Commissioner Warren)
- Sidewalk Audit – include bike lanes, specifically around schools (Commissioner Warren)
- Flag Lots (Commissioner Warren)
- Supporting local businesses – public/private partnership within city main (Commissioner Warren)
- Implement down-lighting (Commissioner Maughan)
- Placemaking and city entrances – create cohesiveness within the city (Commissioners Maughan and Warren)

As staff has reviewed these items, it appears that some are items that are under the City Council's purview, as they deal with City operations, budget, and maintenance, rather than with regulations on

land use and development. These items include trail maintenance and safety, an updated road improvement/capital plan, a sidewalk audit, and public-private partnerships. That is not to say that the Commission cannot address these items if there are some land use components to them. For example, it would be appropriate for the Commission to look at development standards for trails, sidewalks, and roads, or to review development agreements and plans for commercial developments in Town Center. But it is not the Commission's role to recommend city infrastructure maintenance or capital project plans to the City Council.

For the Commission's information, some of these projects are underway or planned, such as a sidewalk audit and updated road maintenance plan. Others, like the trail maintenance, have been discussed by the Council as a potential priority with the upcoming budget. Commissioners are welcome to speak with City Council members on these issues as they come before the Council.

On other items, staff would welcome input on order of priority. It appears that detached ADUs may be the highest priority, currently. Staff would be interested to understand what project should follow.

On detached ADUs, the previously proposed regulations are again attached for review and discussion. The Commission can continue its discussion of those regulations, and/or discuss how to proceed with that discussion: whether to have a separate subcommittee work on the regulations, hold a special work session, or continue discussing the regulations at the regularly scheduled Commission meetings.

**STAFF REVIEW & PROPOSED FINDINGS:**

No staff recommendation.

**MOTION:**

Discussion only.

**ATTACHMENTS:**

1. ADU PC Proposal\_1Dec23 2

12 December 2023 Planning Commission

**FROM:** Chris Howden, Jerry Abbott & Audrey Moore (planning commissioners)

**PUBLIC HEARING/ORDINANCE:** Text Amendment – ADU (accessory dwelling unit)

**LEGISLATIVE:** All proposed amendments to the Development Code shall be submitted first to the Planning Commission for a recommendation, which recommendation shall be submitted to the City Council for consideration. The review and approval of a text amendment is a legislative action.

**PURPOSE:** The Planning Commission will hold a public hearing to consider a request by Planning commission members to amend (10-102, 3-4109) relating to ADU's.

The Planning Commission will take appropriate

action.

## **BACKGROUND:**

Highland has many long term (40yr+) residents. Many/most of these residents live on R-1-40 or greater. All of them have deep neighborhood ties nurtured by decades of service and significant work. They have contributed significantly to our city. We owe them a profound debt of respect and gratitude. As these senior citizens wish to downsize their only current viable option is to move to a new neighborhood. This occurs in parallel with medical challenges incident to age. The new neighbors do not know them & cannot provide the social, emotional, spiritual and community support existing support circles can provide. We already know them. We love them. The intent of this proposal is to provide a financially sound, dignified option for our esteemed senior citizens to continue to live in their existing neighborhoods with their long established

support networks—whilst downsizing, having the option to live separately and potentially reaping a financial windfall. This also provides a option for new students/newly weds.

Current Highland code only allows ADU's if they are attached via a breezeway/common roof—essentially a home addition masquerading as a ADU.

## **SUMMARY OF THE REQUEST:**

1. Existing city code applies to all scenarios (unless noted by exception
2. Delete current ADU “breezeway” requirements. Current remodel code covers any desire to increase home size.
3. Replace current ADU text with true “detached” ADU text that has the following core elements:
  - a. Detached from main dwelling
  - b. One of the dwellings (main or ADU) must be

owner occupied. No exceptions.

c. 750 ft<sup>2</sup> max

d. ADU size becomes part of existing code “out building” % lot size

e. R-1-40+ only

f. ADU must have at least 1 x kitchen & 1 x bathroom

g. Allowed as part of a larger structure (barn, shop, sports court, etc). ADU size maximums apply.

h. Limit 1 x ADU per lot

i. Must have 1 x ADU dedicated off street parking lot

j. Tie into existing utilities. No separate utilities.

k. All existing city codes apply with exceptions below:

i) Given the absence of any city wide architectural standards mandate “...architectural

standards complimentary to existing home...”

ii) height limit = 20’ \*\*\*should we submit a separate height & setback ordinance\*\*\*

iii) setback limit = 20’ \*\*\*should we submit a separate height & setback ordinance\*\*\*

iv) mandate easy access compliance (3’ doors/passageways)?

## **ANALYSIS:**

1. This not only provides an option for senior citizens to stay within the community where they have the most support, it also provides a sensible option for starter home families.

2. Public works recommends considering impact fees. Pro: money for infrastructure. Con: we do not charge impact fees for a remodel. A homeowner can double the size of their home with no impact fee through the remodel process. No impact fees suggested. Regular building permit fees apply.

3. Although not the intent, this does provide

Highland city with a unique, controlled approach to address moderate income housing mandates. It also sets up the framework to make enhancements with limited code adjustments.

4. Access for fire & EMT services? (sewer slope requirements force practical location)

### **CITIZEN PARTICIPATION:**

Notice has been given for two (2) previous working sessions dedicated to the topic of ADU's. No public comment was received.

Notice of the public hearing to be held at the Planning Commission meeting was published in the Daily Herald on [.....] and posted on the state and city websites [...]. No comments have been received.

### **FINDINGS:**

The proposed amendment appears to meet the

following findings:<sup>[L]</sup><sub>[SEP]</sub>• The amendment is consistent with the goal outlined in the General Plan “to ensure that all necessary public services and uses are provided to meet future needs.”

- The amendment is consistent with UT State mandates to compel low/moderate income housing alternatives

## **RECOMMENDATION AND PROPOSED MOTIONS:**

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to (10-102, 3-4109) relating to ADU’s

## **ALTERNATIVE MOTIONS:**

I move that the Planning Commission recommend **DENIAL** of the proposed amendment to (10-102, 3-4109) relating to ADU's based on the following findings: (The Commission will need to draft appropriate findings.)

### **FISCAL IMPACT:**

This action will not have a financial impact on this fiscal year's budget expenditures. Public works anticipate the potential for an increased load on existing infrastructure and services. This increased service load is estimated to be the same as (or less than) a standard remodel.

### **ATTACHMENT:**

1. Ordinance