



## HIGHLAND CITY


# HIGHLAND CITY PLANNING COMMISSION AGENDA

## Tuesday, August 23, 2022

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 – Jerry Abbott, Chair

Invocation – Commissioner Tracy Hill

Pledge of Allegiance – Commissioner Jerry Abbott

#### 1. **SWEARING IN NEW PLANNING COMMISSIONERS**

Stephannie Cottle, City Recorder, will issue the Oath of Office to Chris Dayton as a new Commissioner Alternate.

#### 2. **UNSCHEDULED PUBLIC APPEARANCES**

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

#### 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** *Administrative*  
Regular Planning Commission Meeting – July 26, 2022

#### 4. **SITE PLAN/ARCHITECTURAL REVIEW - HIGHLAND GROVE PLAZA**

*Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will consider a request by Jean Shoae representing Seeg Office Highland LLC, for approval of site and architectural plans for an office building located at approximately 10806 N 5400 W. The Planning Commission will take appropriate action.

#### 5. **PUBLIC HEARING: GENERAL PLAN AMENDMENT - MODERATE INCOME HOUSING**

*Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City staff to amend the Moderate Income Housing element of the General Plan to update strategies and include an implementation plan. The Planning Commission will take appropriate action.

## 6. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

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

### a. Future Meetings

- September 6, City Council, 7:00 pm, City Hall
- September 20, City Council, 7:00 pm, City Hall
- September 27, Planning Commission, 7:00 pm, City Hall
- October 4, City Council, 7:00 pm, City Hall

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

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

## ADJOURNMENT

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

### ELECTRONIC PARTICIPATION

Members of the Planning Commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

### CERTIFICATE OF POSTING

I, Stephanie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website ([www.highlandcity.org](http://www.highlandcity.org)).

Please note the order of agenda items are subject to change in order to accommodate the needs of the Planning Commission, staff and the public.

Posted and dated this agenda 18<sup>th</sup> day of August, 2022.

Stephanie Cottle, City Recorder

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



## HIGHLAND CITY


# HIGHLAND CITY PLANNING COMMISSION MINUTES

## Waiting Formal Approval

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

### VIRTUAL PARTICIPATION

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

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

### 7:01 PM REGULAR SESSION

Call to Order – Commissioner Audrey Moore

Invocation – Commissioner Jay Roundy

Pledge of Allegiance – Commissioner Claude Jones

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 Christopher Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Claude Jones.

**PRESIDING:** Commissioner Audrey Moore

### COMMISSIONERS

**PRESENT:** Tracy Hill, Christopher Howden, Claude Jones, Audrey Moore, Jay Roundy, and Trent Thayn

**CITY STAFF PRESENT:** City Attorney Rob Patterson, City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White

**OTHERS PRESENT:** Jon Hart, Daniel Herzog, Eric Davenport,

### 1. SWEARING IN NEW PLANNING COMMISSIONERS

Stephannie Cottle, City Recorder, will issue the Oath of Office to Trent Thayn as a new Commissioner, and Chris Dayton as a new Commissioner Alternate.

Ms. Smith said the swearing in of Commissioner Thayn and Commissioner Dayton would be postponed until the next meeting. She pointed out that Commissioner Thayn could still vote as an alternate commissioner.

### 2. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

### **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** *Administrative*  
Regular Planning Commission Meeting – June 28, 2022

*Commissioner Howden MOVED to approve the minutes from the June 28, 2022 meeting. Commissioner Roundy SECONDED the motion. All present were in favor. None were opposed. The motion carried.*

### **4. MINOR SUBDIVISION FINAL PLAT: HHC HIGHLAND** *Administrative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request Holmes Homes Custom LLC for approval of a proposed 2-lot subdivision located at approximately 6386 W and 6390 W 10400 N. The Planning Commission will take appropriate action.

Ms. Smith reviewed the details of the minor subdivision final plat application. She explained that there were 10-foot public easements on the property for Jordan Valley Water Conservancy District, the United States Bureau of Reclamation, and Central Utah Water Conservancy District. Ms. Smith said that all requirements by each entity would be met and that the plat would not be recorded without the approval of each entity.

Commissioner Moore opened public hearing at 7:08 PM and asked for public comment. Hearing none, she closed the public hearing at 7:08 PM. She asked for comments from the commissioners.

Commissioner Howden wondered if it was appropriate to ask the applicant to do xeriscaping.

Daniel Herzog, representative for Holmes Homes Custom LLC, said the landscape plan already had a considerable amount of xeriscaping in the front area. He said they were willing to cooperate to an extent without obligating future homeowners. He understood that they were subject to the requirements at the time the application was submitted. He said the landscaping plan included a mix of grass and xeriscaping and thought there might be an issue if full xeriscaping was required. Eric Davenport, Holmes Homes Custom LLC general counsel and secretary, mentioned that he would be building his home on one of the lots. He mentioned that the law stated that the applicant was responsible for requirements in place at the time of application submission. He said he was happy to consider changes to the landscaping plan and look at other options but did not like the idea of landscaping stipulations.

Commissioner Roundy wondered if there was landscaping over the top of the pipeline easement area. Mr. Davenport explained that a six-inch water main was installed on the back of the property near the trail. He said he could not build permeant structures over it. He talked about being able to build a sidewalk to the trail as long as he didn't use reenforced steel.

Mr. Herzog mentioned that the city staff had been great to work with, namely Joann and Mike. He said it was great to work with staff in Highland.

Commissioner Howden *MOVED* that the Planning Commission accept the findings and recommend approval of the HHC Highland subdivision plat subject to the four (4) stipulations recommended by staff

1. The recorded plat conforms to the final plat date stamped July 5, 2022, except as modified by these stipulations.
2. The civil construction plans shall meet all requirements as determined by the City Engineer.
3. All public improvements shall be installed as required by the City Engineer.
4. The plat shall meet all requirements as determined by the Jordan Valley Water Conservancy District (JVWCD), the United States Bureau of Reclamation (USBR), and Central Utah Water Conservancy District (CUWCD)

Commissioner Roundy *SECONDED* the motion. All in favor.

The vote was recorded as follows:

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

Motion carried 6:0

## 5. PUBLIC HEARING: TEXT AMENDMENT - DEFINITION OF MAIN DWELLING

*Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 10-102 Definitions to revise the definition of a Main Dwelling and what constitutes attached to or part of a Main Dwelling as compared to accessory structures. The Planning Commission will take appropriate action.

Ms. Smith explained that staff was asked to review the definition of a main dwelling and what constituted attached and detached from the main dwelling. She reviewed the current code and explained that there was an exception for a breezeway. She reviewed the proposed amendments and proposed that the breezeway should not be considered part of the main dwelling. It would be considered part of an accessory structure and would have to meet accessory structure standards.

Commissioner Moore opened the public hearing at 7:28 PM and asked for public comment. Hearing none, she closed the public hearing at 7:28 PM.

Commissioner Thayn asked for clarification of the 60% measurement. He said he could interpret it different ways. Ms. Smith explained that it would be 60% of the length of the side facing it. She said it was linear feet. She explained that it would need to be connected. Mr. Patterson explained that it was 60% of the entire length of the back wall and had to be physically touching.

The commissioners talked about the benefit of having a diagram to show what was meant. Mr. Patterson added that they could also include diagrams of what would not be allowed.

Commissioner Howden wondered if the roofline still needed to connect. Mr. Patterson explained that the foundation and roof line were still required to connect.

Commissioner Thayn thought 60% was too high. He thought something could look nice with a smaller percentage. He said he struggled with “four connecting walls” and thought it could be interpreted as the four walls needed to connect to the existing structure instead of the intended message that the four walls needed to create a box or a completed house. Ms. Smith explained that the 60% was part of the existing code that had been in place for a while. She said they were trying to reword the existing code to add clarification.

Commissioner Thayn asked about an underground connection. Ms. Smith said that an underground walking path was not considered a connection to an accessory building.

The commissioners discussed different options to add clarification. They discussed the intent of the code and the definition of a breezeway. They considered using “majority of” instead of 60%.

*Commissioner Roundy MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Section 10-102 Definitions to revise the definition of a Main Dwelling with the stipulations:*

- 1. 60% be replaced by “majority of”*
- 2. Visual drawings for compliant and noncompliant be included to make it self-explanatory*

*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 Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

*Motion carried 6:0*

## **6. PUBLIC HEARING: TEXT AMENDMENT - NEWSPAPER NOTICING**

*Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend several sections of the Development Code relating to removing newspaper noticing requirements for public hearings. The Planning Commission will take appropriate action.

Ms. Smith explained that staff proposed a removal of the newspaper public notice requirements and that council asked for a 500-ft radius notice requirement sent to the public for applications impacting neighboring properties. She mentioned that there were two different versions of the amendments. Version 1 was amendments based on council direction. Version 2 included council direction. It also corrected inconsistencies with State code and added clarification to Highland City code.

Commissioner Moore opened the public hearing at 7:55 PM and asked for public comment. Hearing none, she closed the public hearing at 7:55 PM.

*Commissioner Hill MOVED that the Planning Commission accept the findings and recommend approval of Version 2 of the proposed amendment to several sections of the Development Code to remove newspaper noticing requirements for certain public hearings.*

*Commissioner Moore 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 Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

*Motion carried 6:0*

## **7. 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 2, City Council 7:00 pm, City Hall
- August 16, City Council, 7:00 pm, City Hall
- August 23, Planning Commission, 7:00 pm, City Hall
- September 6, City Council, 7:00 pm, City Hall

Ms. Smith mentioned that the moderate-income housing general plan would be addressed at the next meeting.

Commissioner Moore asked about upcoming training opportunities. Ms. Smith discussed possible opportunities in the future and Mr. Patterson asked about topics the commissioners would like training on. Suggestions included appropriate discussion regarding legal issues, encroachment issues and on-site meetings, and permitted meetings with commission members.

Commissioner Thayn wondered if it was possible to get a draft of the meeting agenda 7-10 days before the meeting. Ms. Smith suggested that she send a summary of the upcoming meeting on the Monday before the agenda was posted.

**b. Change Master Plan to Mandate Xeriscaping & Remove Grass** – Commissioners Jerry Abbott & Christopher Howden

Commissioner Howden pointed out that Highland was in a desert. He mentioned that the Master Plan mandated grass in park strips. He thought xeriscaping should be mandated in the park strip and wondered what other commissioners thought.

Commissioner Jones thought it was a great idea. He talked about Phoenix, AZ and how the city recently mandated no lawns. He thought future park strips should not need additional watering. Commissioner Moore asked if shrubbery with a drip system was considered acceptable. Ms. Smith talked about the “Flip the Strip” water conservancy district rebate and the requirement of 50% plant coverage at maturity. Commissioner Thayn thought it was a great idea but wanted to know exactly what it meant to xeriscape. He understood that park strips could not have trees or bushes because it was a city easement. Ms. Smith explained that the existing development code allowed Class 1 trees which were smaller. Commissioner Hill thought definitions were important. Commissioner Thayn suggested having something in the code that encouraged or allowed people to do xeriscaping. Commissioner Roundy said he had a high interest and read the oxford definition of xeriscape. He talked about Highland’s water usage and said the area would naturally use 30 inches of water per year, but the current average water useage per household in Highland was 50 inches per year. He said in the past the city would not let residents pay for xeriscaping in public park strips due to the grass requirement. Commissioner Roundy recommended using the Utah State University Extension as a resource for water useage and xeriscape plans. He thought Highland needed to define what the community found acceptable and then implement a master plan.

Commissioner Howden said he would check with Josh and present a formal proposal regarding code amendments for xeriscaping.

**c. Definition of Grade Across City Code** – Commissioners Jerry Abbott & Christopher Howden

Commissioner Howden said the current code allowed grade variations. He talked about a specific house with a property line that went into the road. As a result, the house was way to close to the fence. Additionally, the grading of the property along with the grading of neighboring properties caused the cement foundation to be higher than the fence. After speaking with the city engineer, Commissioner Howden had a grading proposal that would apply to all circumstances in all sections of city code. He said the general idea of the changes were:

1. Any height restriction measurements would be from natural grade.
2. If the natural grade is steep (20%) property owners could not change it. Soil disturbances would not be permitted.

Commissioner Moore wondered if he would allow someone to dig into the natural grade in order to create a flat spot. She wondered if other cities had adopted something similar. She said it was important to protect property owners from flooding caused by water run-off. Commissioner Howden said the property would not be buildable under his proposal if a property owner needed to dig into the grading. He did not speak with the surrounding cities regarding grading restrictions. He reviewed the proposed grading restrictions and said the idea was to keep the natural grade of Highland by not making huge changes.

Commissioner Thayn voiced concern with causing some places to be deemed unbuildable and therefore would require property owners to ask for variances. He wondered what “natural” was. He wondered what percentage of the city the proposed amendment would apply to. Commissioner Howden explained that there was a

definition among civil engineers that stipulated what natural grade was. He explained that the city was about 90% built out, but it would mainly pertain to development in the foothills.

Commissioner Roundy spoke about grading for roadways and schools. He wondered if the property in Commissioner Howden's example was an isolated situation or if it was an issue throughout the city. Commissioner Howden explained that development in the foothills would be a challenge. He said he was trying to harmonize everything in city code.

Commissioner Thayne thought they shouldn't worry about the grading in the city. Commissioner Jones thought they should first focus on xeriscaping. Commissioner Moore did not feel educated enough about grading to make a decision. Commissioner Hill said he also didn't know enough about grading. Commissioner Roundy said he would need more information.

Commissioner Howden said he would take the lead to gather more information.

**d. Definition of Setback Across City Code** – *Commissioners Jerry Abbott & Christopher Howden*

Commissioner Howden thought the issues regarding setbacks was addressed during the last meeting and no longer needed to be discussed.

## **ADJOURNMENT**

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

The meeting adjourned at 9:02 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 July 26, 2022. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White  
Planning Commission Secretary



# PLANNING COMMISSION AGENDA REPORT ITEM #4

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**DATE:** August 23, 2022  
**TO:** Planning Commission  
**FROM:** Kellie Smith  
Planner & GIS Analyst  
**SUBJECT: SITE PLAN/ARCHITECTURAL REVIEW:** Highland Grove Plaza  
**TYPE: ADMINISTRATIVE:** In the Town Center Overlay (TCO) Zone, the City Council is the approval body for a site plan, after receiving a recommendation from the Planning Commission. The Planning Commission is the approval body for the architectural review. Review is limited to compliance to the Development Code. Approval of site plan grants the applicant permission to proceed with civil construction plans.

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**PURPOSE:**

The Planning Commission will consider a request by Jean Shoaee representing Seeg Office Highland LLC, for approval of site and architectural plans for an office building located at approximately 10806 N 5400 W. The Planning Commission will take appropriate action.

**BACKGROUND:**

The proposed site plan is for one office building on .395 acres (17,200 square feet) at approximately 10806 N 5400 W. The property is designated as Mixed Use on the General Plan Land Use Map and the site is zoned Town Center Flex-Use.

The property is Lot #7 in the Highland Towne Center Business Park Amended Plat C subdivision.

**SUMMARY OF THE REQUEST:**

1. The applicant is requesting site plan and architectural plan approval for a 7,476 square foot two story building. The building has a 3,888 square foot building footprint.
2. Vehicular access to the site will be provided from N Town Center East.
3. The site plan includes a 30' wide shared drive with the Highland City property to the south that matches the centerline and width of the access to the City Office across the street.
4. Plans show 23 parking stalls, one of which is a handicap stall.

5. The architectural plan includes the following:
  - a. Building Height: 37'
  - b. Colors: light greys, white, brown
  - c. Materials: Stucco, beehive brick and natural stone, metal with walnut wood design
  
6. Hours of operation will be from 8:00 am to 5:00 pm. The maximum number of employees will be approximately 22. Noise, smoke, odor, dust, vibration, and illumination will be minimal with this use once construction is complete.

**CITIZEN PARTICIPATION:**

Notification of a site and architectural plan application is not required. Appropriate notifications for Planning Commission as a public meeting were posted.

**STAFF REVIEW:**

Zoning/General Plan Analysis

- The site is designated as Mixed-Use Development on the General Plan Land Use Map and the site is zoned Flex-Use in the Town Center Overlay District. The proposed use is compatible with the permitted uses in the Flex-Use Town Center Zone found in Table 3-47a in the Development Code and with the General Plan.
  
- The surrounding properties are zoned Civic, Flex-Use and Apple Creek PD. The property to the north is Highland Vista, to the east is Ten Seven Hundred, and to the west is the City Offices. The proposed use is compatible with the surrounding uses.

Utilities

- The site will be connecting to existing pressurized irrigation, culinary and sewer connections in N Town Center East.

Town Center Overlay Zone Analysis

Access, Circulation, and Parking

- There are 23 parking stalls provided on the site plan. The Development Code requires 26. The Development Code allows the number of parking stalls to be reduced “if the owner/developer can provide significant evidence that the number of stalls are not necessary to provide adequate parking for a particular use...” Staff has requested the applicant provide a parking study as significant evidence for the reduction of 3 spaces to be approved. A stipulation has been added to address this.
  
- The Development Code requires that buildings in the Flex-Use zone be a maximum of ten (10) feet from an existing right-of-way. The adopted Highland City Commercial Design Standards for the Town Center Overlay states, “Buildings shall

be placed adjacent to the nearest public right-of-way and as close as the land use ordinance will allow... All parking shall be interior so that the building is the main focus from the street.” The proposed site plan meets these requirements.

- Section 3-4728 Driveway and Curb Openings in the Town Center Overlay requires that curb cuts and driveway aisles be shared at property lines between parcels. Accesses are limited to one (1) access driveway for every two hundred (200) feet on any street. The proposed drive access location meets this requirement.
- The dumpster enclosure meets the requirements outlined in Section 3-4723 of the Development Code relating to refuse collections.

### *Landscaping*

- The Development Code requires a minimum of 15% of the site square footage be landscaped. Because of recent major site plan changes, the 15% has not been verified. A stipulation has been added to the site plan recommendation to address this.
- The site will provide the continuation of the wider sidewalk with tree grates as required by the Development Code.

### *Architecture*

- Proposed materials, colors, different exterior siding, and lighting are consistent with the design standards for the TCO zone found in Section of 3-4713 of the Development Code.
- The Development Code requires buildings in the TCO to have six common building design elements including: a common lighting theme, common architectural design elements, common sign theme, interior parking, color and materials, and roof design (details specified in Section 3-4713 of the code). The site plan appears to follow all of these requirements. Signage will be approved by staff when permits are requested.
- The architecture includes a pedestrian entry with main entrance architectural elements as required by the Development Code. The windows incorporate mullions, lintels, and casing.
- The maximum height of the building is 37'. The Development Code states a maximum height of fifty (50) feet.

### **FINDINGS:**

With the proposed stipulations, the site plan and architectural plan appear to meet the following findings:

- It is in conformance with the Highland City Development Code.
- It is consistent with site and architectural guidelines in the Highland City Commercial Design Standards.

- It is compatible with existing development in the Town Center Overlay.

### **RECOMMENDATIONS AND PROPOSED MOTIONS:**

Please note that two different motions are needed:

#### PROPOSED MOTION 1 - ARCHITECTURAL PLANS:

Staff recommends that the Planning Commission **APPROVE** the architectural plans:

1. Architecture, materials, and colors shall be consistent with the building elevations dated June 30, 2022 except as modified by these stipulations.
2. All signage shall require a separate permit and meet the requirements of the Development Code.

I move that the Planning Commission accept the findings and **APPROVE** the architectural plans for Highland Grove Plaza subject to the two (2) stipulations recommended by staff.

#### PROPOSED MOTION 2 - SITE PLAN:

Staff recommends that the Planning Commission recommend **APPROVAL** of the site plan subject to the following stipulations:

1. Development of the site shall comply with the site plan received August 17, 2022 except as modified by these stipulations.
2. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
3. If the parking study does not provide significant evidence that the number of parking stalls can be reduced to 23, the site must be updated to provide for the full amount of parking stalls required by the Development Code.
4. The landscaping plan be updated to reflect the site plan of the building fronting N Town Center East and meet the Development Code requirement for the minimum percentage of landscaping.
5. The site plan must include the continuation of the wider sidewalk and tree grates along N Town Center East.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the site plan for the Highland Grove Plaza office building subject to the five (5) stipulations recommended by staff.

### **ALTERNATIVE MOTIONS:**

I move that the Planning Commission **DENY** the architectural plans Highland Grove Plaza based on the following findings (The Commission will need to draft appropriate findings).

I move that the Planning Commission recommend **DENIAL** of the site plan for the Highland Grove Plaza office building based on the following findings (The Commission will need to draft appropriate findings).

**ATTACHMENTS:**

1. Vicinity Map
2. Project Narrative
3. Site Plan
4. Landscape Plan
5. Building Elevations/Materials



# ATTACHMENT #2:

## Highland Grove Plaza

### Site plan project narrative

1. The current project zone is Town Center Overlay Zone. The proposed use is an office building which complies with the general plan, the development code and other city codes and regulations.
2. The office building will be a good neighbor to the new townhomes that are being constructed around it and it will complement the existing city office building across the street.
3. The site and building design with accompanying site lighting have been designed to minimize the impact on adjacent properties.
4. The property is only 85 feet wide. As such, only a single ingress and egress is possible for this property. There is an existing drive approach to the South of this property into the vacant Highland City property. There is an existing intersection that is approximately 150 feet North of the project entrance. The entrance to the city hall is across the street and slightly offset. Since the amount of traffic to this site will be low, the amount of potential traffic conflicts will be minimal.
5. The parking lot will allow for the required parking to this facility. Emergency vehicles or larger delivery vehicles will need to back out of the parking lot, if access is needed into the site. It is anticipated that the delivery trucks and emergency vehicles will most likely park on 5400 West Street and follow the pedestrian access to the building.
6. A pedestrian access has been provided from the building to the street.
7. The volume of the traffic on 5400 West street is low. The off-street parking is being provided at a rate of 3 stalls per 1,000 s.f. of building. To justify this reduced parking ratio, the owner has provided the following statement.

As justification for the reduced parking:

Office type space typically requires less parking than other commercial uses, because customers and clients don't come on site as often as with other commercial uses. For example, how often do you go to your insurance agent's office? Probably not often, because most interactions are done by phone virtually. This trend for offices to be virtual is even more-so in our post-Covid world, where many offices have restructured their systems to incorporate Zoom and virtual meetings, being able to go 100% virtual.

At least one of the offices will be used for legal services. I, as an attorney, rarely have clients visit in person. The majority of my meetings with clients and colleagues are done virtually over Zoom meetings.

That being the case, 3.5 stalls per 1000 sq ft of area is more than what we need for this small office building. For example, if we consider that my office complex will be 7,400 sq feet, then that would require approx 22 parking stalls under the code, reduced from about 26 stalls. If each office (5 offices per condo) in every condo (4 condos in the building) were completely filled during all business hours, there would still be 2 extra stalls if we do 22. I think with today's

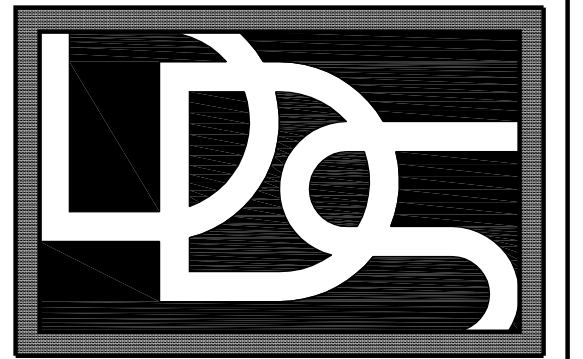
virtual office tendencies, it isn't likely that every person filling an office is going to be there all the time. I think it's closer to half at the max, and that would mean that at any one time, there would be closer to 10 stalls filled during business hours. So, requiring more than 22 seems like requiring me to waste my precious space for parking that will not be used.

Moreover, I am not asking for a huge reduction. 4 spaces probably won't make that much difference in the grand scheme of things.

Heather M. Seegmiller, Attorney

8. Due to the small building size, the impact to public services, including utilities, schools and recreation will be minimal.
9. The site will be screened and buffered with landscaping.
10. There are not proposed outdoor activities or storage.
11. The typical hours of operation will be 8 to 5. The number of employees will be approximately 22.
12. There will not be any out of the ordinary noise, smoke, odor, dust, vibration, or illumination from the proposed use.

# ATTACHMENT #3:

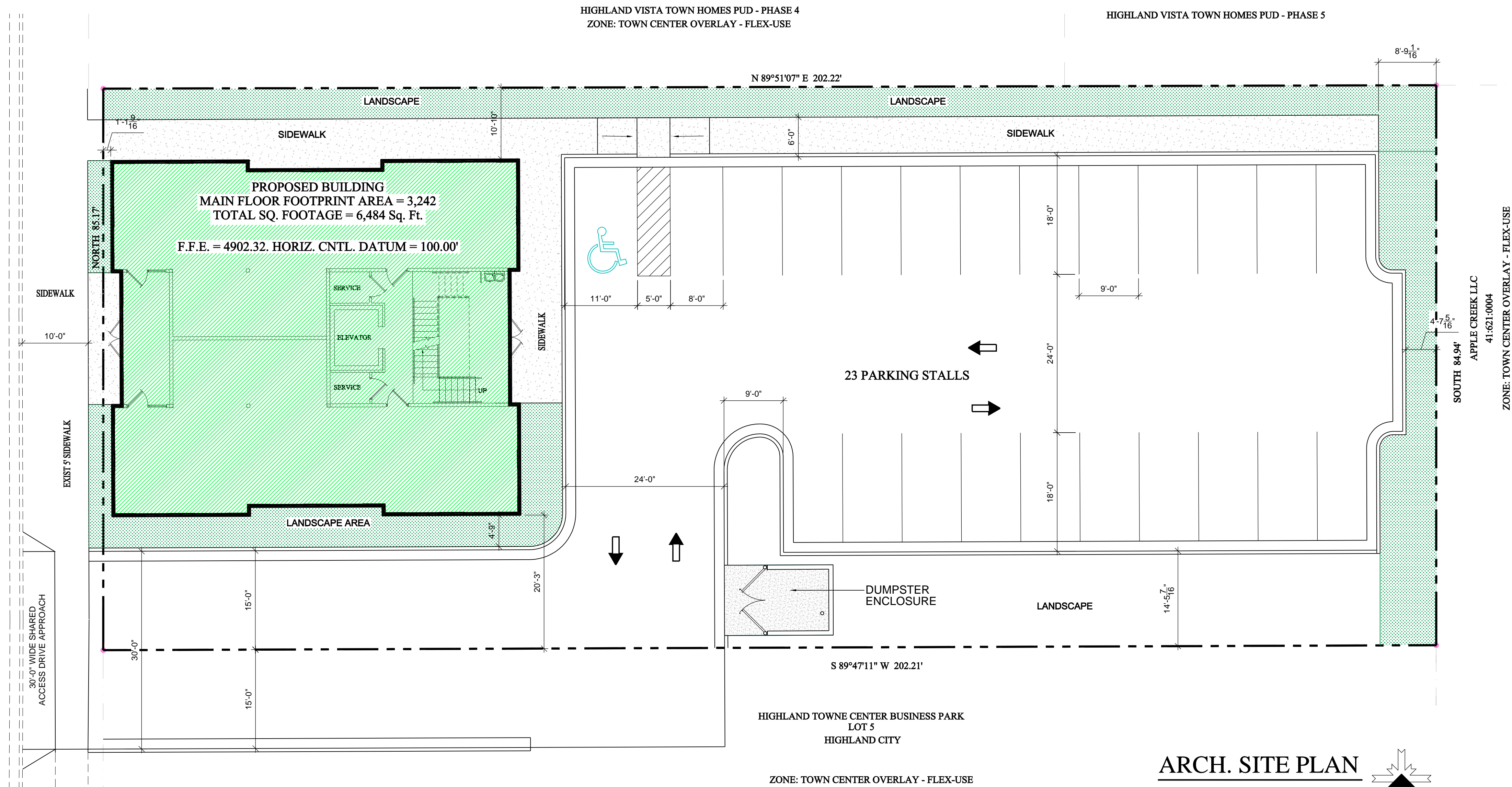


**Diversified**  
DESIGN SERVICES AND ENGINEERING, L.C.

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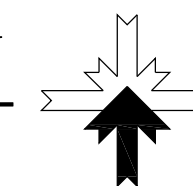
HIGHLAND CIVIC CENTER  
AMENDED "A" - LOT 1  
ZONE: TOWN CENTER OVERLAY - CIVIC  
HIGHLAND CITY  
41725-0001

5400 WEST STREET



ARCH. SITE PLAN

SCALE: 1" = 10'-0"



PROJECT NAME:  
A NEW BUILDING FOR:

Highland Grove Plaza

10806 North 5400 West, Highland, Utah 84003

### PROJECT INFO.

PROJECT NO.:	2022-033
CAD FILE NAME:	SP101 Arch Site Plan.DWG
DRAWN BY:	BL
CHECKED BY:	
SCALE:	1" = 10'-0"
DATE:	08-04-2022

### REVISIONS

REV.	DATE	DESCRIPTION
△		DESCRIPTION

SHEET TITLE:

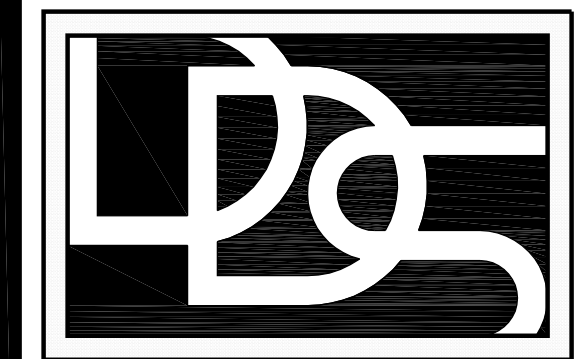
PRELIMINARY  
SITE PLAN &  
DETAILS

SP 101

SHEET 1 OF 3



# ATTACHMENT #5:



**Diversified**  
DESIGN SERVICES AND ENGINEERING, L.C.

6236 SOUTH TURPIN ST.  
MURRAY, UTAH 84107  
TELEPHONE (801) 347-2369  
Email: brandon@dds-slc.com



A NEW BUILDING FOR:  
**Highland Grove Plaza**  
10806 North 5400 West, Highland, Utah 84003

PROJECT INFO.	
PROJECT NO.:	2022-033
CAD FILE NAME:	A101 Main Floor Plan
DRAWN BY:	BL
CHECKED BY:	
SCALE:	1/8" = 1'-0"
DATE:	06-30-2022

REVISIONS		
REV.	DATE	DESCRIPTION
△	DATE	DESCRIPTION

SHEET TITLE:  
**PRELIMINARY  
EXTERIOR ELEVATIONS**

**A 201**  
SHEET 3 OF 3



**WEST ELEVATION**

SCALE: 1/8" = 1'-0"



**EAST ELEVATION**

SCALE: 1/8" = 1'-0"



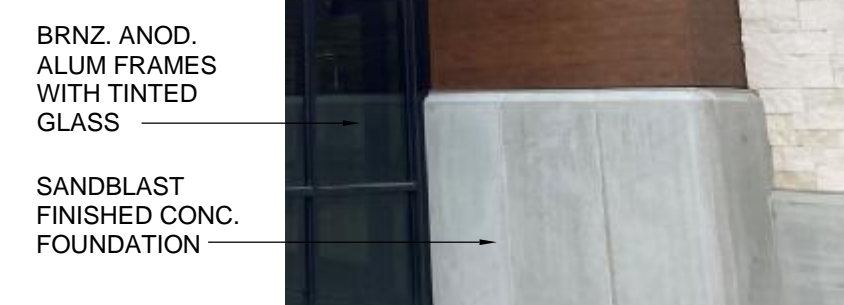
**SOUTH ELEVATION**

SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**

SCALE: 1/8" = 1'-0"





# PLANNING COMMISSION REPORT ITEM #5

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**DATE:** August 23, 2022  
**TO:** Planning Commission  
**FROM:** Kellie Smith  
Planner & GIS Analyst  
**SUBJECT:** **GENERAL PLAN AMENDMENT:** Moderate Income Housing Element of the General Plan – Implementation Plan  
**TYPE:** **LEGISLATIVE:** The Planning Commission is acting as the recommending body for minor amendments to the General Plan. The City Council will act in their capacity as a legislative body to adopt or approve an amendment to the General Plan as outlined in Section 10-9a-404 of State Code.

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**PURPOSE:**

The Planning Commission will hold a public hearing to consider a proposal by Highland City staff to amend the Moderate Income Housing element of the General Plan to update strategies and include an implementation plan. The Planning Commission will take appropriate action.

**PRIOR COUNCIL DIRECTION:**

On August 16, 2022, the City Council discussed possible adjustments to existing Moderate Income Housing (MIH) strategies in the General Plan as well as an implementation plan for each of the strategies. The City Council agreed that they wanted to keep the existing implementation measures and did not want to add any new strategies.

**BACKGROUND:**

The Highland City General Plan was adopted in 2008 and included a Moderate Income Housing (MIH) element. During the legislative session in 2018, HB 259 provided specific strategies cities must consider adopting in their MIH plans. In 2019, the City Council updated the General Plan to be consistent with this update.

In 2022, HB 462 updated those strategies from HB259 in 2018 and required implementation elements that include a timeline that has specific benchmarks for each chosen strategy, but provides flexibility for the municipality to make adjustments. Municipalities are required to update their general plans by October 1, 2022.

## **SUMMARY OF THE REQUEST:**

The following are the existing implementation measures in the MIH element of the General Plan along with proposed timelines to fulfill the implementation plan requirement from HB 462.

**Implementation Measure:** Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.

**Timeline:** Within the next five (5) years, the City will update the Development Code to add regulations for an age-restricted senior housing residential zone. Over the next ten (10) years, if the last large undeveloped properties in Highland are proposed to be developed, the City will review the properties for potential Senior Housing projects.

**Implementation Measure:** Review and consider updating the regulations in mixed-use zones in the land use code to provide for a greater variety of housing types.

**Timeline:** As most of Highland's mixed-use developments are relatively new, over the next twenty (20) years, the City will continue to monitor the mixed-use developments for potential redevelopment.

**Implementation Measure:** Explore potential programs or partnerships with the Mountainlands Association of Governments (MAG).

**Timeline:** Within the next five (5) years, the City will do a comprehensive update of the General Plan. As part of this comprehensive update, the City will work with MAG to qualify for the Community Development Block Grant (CDBG) to help Highland City identify regional MIH priorities. This will help the City make goals, policies, and implementation measures to address those priorities.

**Implementation Measure:** Review and update the regulations for the Accessory Dwelling Unit (ADU) within the land use code for potential modifications and incentives to encourage the creation of additional housing options for residents.

**Timeline:** On an ongoing basis, the City will monitor ADUs and will also seek citizen input on ways to facilitate ADUs in unique circumstances.

## **STAFF REVIEW:**

HB 462 requires that a municipality include a minimum of three (3) of the 24 strategies listed in Utah Code. Municipalities that select at least five (5) strategies would qualify for enhanced prioritization of state TIF/TTIF (Transportation Investment Fund/Transit Transportation Investment Fund) and ARPA (American Rescue Plan Act) local match program funds.

To be compliant with Utah Code, the City Council should determine relative timelines with benchmarks for each implementation measure for the MIH element in the General Plan.

The Department of Workforce Services provided a writing guide for the recent legislative updates. "An implementation plan sets out a clear course of achievable, measurable actions that can be taken within a given time period. While the implementation plan should set the guidance, it should also be flexible to allow the jurisdiction to modify timing or actions based on changes over time."

Below are the moderate income strategies for municipalities from HB 462 as outlined in Utah Code. The bolded strategies are those that are related to implementation measures in the existing General Plan.

- A. rezone for densities necessary to facilitate the production of moderate income housing;
- B. demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
- C. demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
- D. identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
- E. **create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;**
  - *Implementation Measure: Review and update the regulations for the Accessory Dwelling Unit (ADU) within the land use code for potential modifications and incentives to encourage the creation of additional housing options for residents.*
- F. **zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;**
  - *Implementation Measure: Review and consider updating the regulations in mixed-use zones in the land use code to provide for a greater variety of housing types.*
- G. amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
- H. **amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;**
  - a. *Implementation Measure: Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.*
- I. amend land use regulations to allow for single room occupancy developments;
- J. implement zoning incentives for moderate income units in new developments;
- K. preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;

- L. reduce, waive, or eliminate impact fees related to moderate income housing;
- M. demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- N. implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- O. apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;**
  - *Implementation Measure: Explore potential programs or partnerships with the Mountainland Association of Governments (MAG).*
- P. demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
- Q. create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
- R. eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
- S. create a program to transfer development rights for moderate income housing;
- T. ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
- U. develop a moderate income housing project for residents who are disabled or 55 years old or older;**
  - *Implementation Measure: Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.*
- V. develop and adopt a station area plan in accordance with Section 10-9a-403.1;
- W. create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use

zones; and

- X. demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing;

**FISCAL IMPACT:**

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

**RECOMMENDATION AND PROPOSED MOTION:**

The Planning Commission's motion will need to address the following:

1. Add or remove specific implementation measures in the Moderate Income Housing element of the General Plan. To be compliant with Utah Code the General Plan must include at least three (3) of the specific strategies. To qualify for prioritization in certain State funding, the General Plan must include at least five (5).
2. Determine implementation plans for each of these implementation measures. The implementation plan should include achievable, measurable actions that can be taken within a given time period.

Staff recommends the Planning Commission hold a public hearing and recommend **APPROVAL** of the proposed General Plan amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to the Moderate Income Housing element of the General Plan that updates strategies and includes an implementation plan for each strategy.

**ALTERNATIVE MOTION:**

I move that the Planning Commission recommend **DENIAL** of the proposed General Plan amendment based on the following findings: (The Commission will need to draft appropriate findings).

**ATTACHMENTS:**

1. Ordinance
2. Existing MIH Element from the General Plan
3. HB462 Housing Affordability Amendments Summary prepared by ULCT and WFRC

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE  
MODERATE INCOME HOUSING ELEMENT IN THE HIGHLAND CITY GENERAL  
PLAN AS SHOWN IN FILENAME (GP-22-02).**

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

WHEREAS, the Commission held public hearing on this Ordinance on August 16, 2022; and

WHEREAS, the City Council held a public meeting on this Ordinance on September 6, 2022.

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

SECTION 1. That the Highland City General Plan is hereby amended as shown on “Exhibit A”, attached and incorporated herein by reference.

SECTION 2. That the Mayor, the City Administrator, and the City Recorder are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately after posting.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, September 9, 2022.

HIGHLAND CITY, UTAH

\_\_\_\_\_  
Kurt Ostler  
Highland City  
Mayor

ATTEST:

\_\_\_\_\_  
Stephannie Cottle  
Highland City  
Recorder

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

## Goals and Policies

With the zoning pattern already established and a mostly infill expectation for new development, support for alternative housing types is a difficult goal to achieve. The City can still find creative ways to make a reasonable allowance for affordable housing types that would be acceptable and even welcomed by residents. The City may choose to focus on solutions, such as basement accessory dwelling units, senior housing (some of which may include deed restrictions to maintain affordability) and multi-family housing mixed-use developments. The goals, policies, and implementation measures below build on these ideas.

### **Goal:** Support for alternative housing type.

**Policy:** Proactively encourage the development of moderate income and senior housing as follows:

**Implementation Measure:** Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.

**Timeline:** Within the next five (5) years, the City will update the Development Code to add regulations for an age-restricted senior housing residential zone. Over the next ten (10) years, if the last large undeveloped properties in Highland are proposed to be developed, the City will review the properties for potential Senior Housing projects.

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**Timeline:** On an ongoing basis, the City will monitor ADUs and will also seek citizen input on ways to facilitate ADUs in unique circumstances.

**Policy:** Maintain quality housing stock and the current aesthetic style of Highland City.

**Implementation Measure:** Adopt design guidelines for medium and higher density housing based on residents' opinions and perceptions of the community character. The guidelines should not be cost prohibitive to affordable housing.

# Moderate Income Housing Element

6

## Introduction and Background

The Moderate-Income Housing Element is one of the required components of a general plan as outlined by Utah State Code Section 10-9a-403 Part 4. The community is required to create a plan to “facilitate reasonable opportunities for a variety of housing, including moderate-income housing.” This plan addresses the demographic forces shaping housing needs and outlines policies for addressing moderate-income housing in Highland City.



## Demographic and Housing Data

The cost of housing in Highland City is high. The majority of Highland City's housing stock is composed of owner-occupied single-family housing units. Highland City had a total of 4,320 housing units in 2017. Owner occupied units comprised 4,206 of those total units with 426 being renter occupied units.

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### Rent vs Own

89% 2017 HOMEOWNERSHIP

89.8% 2016 HOMEOWNERSHIP

In 2017, 89% of the housing units in Highland, UT were occupied by their owner.

This percentage declined from the previous year's rate of 89.8%. The percentage of owner-occupation is higher than the national average of 63.9%. This chart from the Census Bureau shows the ownership percentage in Highland compared to neighboring communities.

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- ◆ Highland’s estimated population in 2019 is 19,183 according to the most recent United States census estimates. Highland is the 43rd largest city in Utah based on official 2017 estimates from the US Census Bureau.
- ◆ As of 2017 there were an estimated 6,986 jobs located in Highland City. The largest industries in Highland are Retail Trade (980 people), Health Care & Social Assistance (815 people), and Educational Services (774 people), and the highest paying industries are Utilities (\$195,208), Wholesale Trade (\$127,917), and Information (\$121,944).
- ◆ The median household income in Highland City was \$128,938 in 2017. The Utah County Area Median Income (AMI) was \$78,937.00 significantly lower than the average for Highland City.
- ◆ Monthly housing costs for owner occupied units was estimated at \$1,900. Median gross rent in 2017 was \$1,750.
- ◆ Average household size was 4.27 and 4.55 for rental units.
- ◆ The median home value in 2019 in Highland is \$585,900. Highland home values have gone up 8.7% over the past year and Zillow predicts they will rise 5.0% by 2020.
- ◆ There are 10,582 adults (1,317 of whom are seniors) in Highland as of 2018.



**Highland Median Age**

23.8 Total

22.9 Male

24.8 Female

## Moderate Income Housing Requirements

The Utah State Code requires all municipalities to propose a plan for moderate-income housing as part of a General Plan. "Moderate-income housing" is defined as "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income or "area median income (AMI)" for households of the same size in the county in which the City is located.

According to the Department of Housing and Urban Development for housing to be considered affordable, no more than 30 percent of a household's income should go towards paying for housing. The median household income in Highland City was \$128,938 in 2017. The Utah County Area Median Income (AMI) was \$78,937.00, significantly lower than average for the Highland City.

The intent of the statute passed in 2019 is to ensure that moderate-income households have a reasonable opportunity to live in Utah's growing communities. Cities should provide reasonable opportunities for moderate income households to obtain housing in their municipality. Cities should also ensure that moderate-income households be able to benefit from and fully enjoy all aspects of neighborhood and community life.

### PLANNING FOR POPULATION GROWTH



- ◆ Utah's population is projected to increase by 2.8 million people in the next 45 years.
- ◆ Projected growth is most prevalent in Salt Lake and Utah County.
- ◆ By 2065, 28% of the state's population will reside in Utah County.
- ◆ Highland's population is projected to be 20,252, by 2026.

2017 Area Median Income  
Utah County  
\$78,937

2017 Area Median Income  
Highland City  
\$128,938

80% OF AMI = \$63,150

50% OF AMI = \$43,469

30% OF AMI = \$23,682

80% OF AMI = \$103,150

50% OF AMI = \$64,469

30% OF AMI = \$38,682

The intent of the statute passed in 2019 is to ensure that moderate-income households have a reasonable opportunity to live in Utah's growing communities. Cities should provide reasonable opportunities for moderate income households to obtain housing in their municipality. Cities should also ensure that moderate-income households be able to benefit from and fully enjoy all aspects of neighborhood and community life.

To better understand who moderate-income households are the table below has been included as a sampling of professions that qualify as moderate-income. This table includes the median income for the Provo-Orem Metropolitan Statistical Area, (MSA) as well as the monthly cost of housing that would be considered affordable for each household assuming 30 percent of gross monthly income goes to housing costs.

HOUSING COSTS FOR WORKERS IN SELECTED OCCUPATIONS Provo-Orem MSA June 2019

<b>Job Title</b>	<b>Average (Median) Annual Wages</b>	<b>(% of AMI)</b>	<b>Affordable Housing Costs per Month*</b>
Elementary School Teachers, Except Special Education	\$28,310	36%	\$ 708
Police	\$53,864	68%	\$1,347
Office Clerk	\$30,340	38%	\$ 759
Firefighters	\$44,171	56%	\$1,104
Executive Secretaries and Administrative Assistants	\$51,380	65%	\$1,285
Machinists	\$51,510	66%	\$1,288
Real Estate Sales Agent	\$51,900	66%	\$1,297
Registered Nurses	\$61,160	77%	\$1,529
Bank Loan Officer	\$59,250	75%	\$1,481

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## Barriers Moderate Income Housing

The high price of land is a major barrier to affordable housing in Highland. Highland is also close to being built out, under the current zoning strategy. A partial solution that may assist in reducing land costs could be to allow for higher density housing to offset the land cost per unit, however, this does not guarantee affordable housing. To achieve moderate income affordability, the City may have to require a developer to sell at affordable prices through some sort of agreement, given the market conditions.

Since Highland City has a unique character in comparison to Utah County as a whole it is unreasonable to assume the City will be home to the same percentage of affordable housing as is found in the overall county. To find a more accurate measure for affordable housing opportunity in Highland City, the Utah County percentage of affordable housing will be adjusted using the basic owner and renter-occupied housing rates found in the City. This methodology assumes that Highland City should reasonably provide the same opportunity for affordable housing by a percent for both owned and rental housing stock as is observed in the county as a whole.

The zoning ordinance does allow for accessory dwelling units which provide a partial solution to the affordable housing deficit. Consideration to examine potential barriers will be examined in the Goals and Policies section of this element.

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## Goals and Policies

With the zoning pattern already established and a mostly infill expectation for new development, support for alternative housing types is a difficult goal to achieve. The City can still find creative ways to make a reasonable allowance for affordable housing types that would be acceptable and even welcomed by residents. The City may choose to focus on solutions, such as basement accessory dwelling units, senior housing (some of which may include deed restrictions to maintain affordability) and multi-family housing mixed-use developments. The goals, policies, and implementation measures below build on these ideas.

### **Goal:** Support for alternative housing type.

**Policy:** Proactively encourage the development of moderate income and senior housing as follows:

**Implementation Measure:** Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.

**Implementation Measure:** Review and consider updating the regulations in mixed-use zones in the land use code to provide for a greater variety of housing types.

**Implementation Measure:** Explore potential programs or partnerships with the Mountainlands Association of Governments (MAG).

**Implementation Measure:** Review and update the regulations for the Accessory Dwelling Unit (ADU) within the land use code for potential modifications and incentives to encourage the creation of additional housing options for residents.

**Policy:** Maintain quality housing stock and the current aesthetic style of Highland City.

**Implementation Measure:** Adopt design guidelines for medium and higher density housing based on residents' opinions and perceptions of the community character. The guidelines should not be cost prohibitive to affordable housing.

**HB462 Housing Affordability Amendments**  
**(Rep. Waldrip / Sen. Anderegg)**

The bill is a collaborative effort among numerous stakeholders, including the Commission on Housing Affordability, the Utah League of Cities and Towns, Wasatch Front Regional Council and Mountainland Association of Governments, Property Rights Coalition, Division of Housing and Community Development, the Utah Transit Authority, and various other public and private sector organizations, to help Utah to address its significant challenges on housing availability and affordability.

This summary breaks down bill changes into the following sections:

1. Moderate Income Housing Plan Changes (update to SB34 from 2019)
2. Station Area Plan Requirements
3. Changes to Internal Accessory Dwelling Units
4. Changes to Point of the Mountain
5. Changes to the Olene Walker Board
6. Other Changes and Appropriations

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**Moderate Income Housing Planning Changes (update to SB34 from 2019) (lines 571-819, 1053-1262; 1893-2409 (counties)):**

Although all municipalities, metro townships, and counties are encouraged by law to plan for moderate income housing plan (MIHP); Senate Bill 34 (2019) created specific criteria that certain cities had to adopt in a plan and penalties for non-compliance. HB 462 makes changes to these criteria.

**Highlights of MIHP Changes:**

- Modifies and expands the menu items and requires that municipalities review their moderate income housing plans and update items with implementation elements by October 1, 2022. The December reporting period no longer applies.
- Reporting forms will change and the reporting period will be tied to the municipal fiscal year with subsequent reports due by October 1.
- Implementation elements must include a timeline that has specific benchmarks for each chosen strategy, but provides flexibility for the municipality to make adjustments.
- Increases the number of menu strategies from which municipalities may select, including creating an HTRZ, creating a station area plan, creating a program for transfer of development rights, eliminating certain ADU impact fees, promoting “missing middle” housing, etc..
- Menu items remain at 3 for cities without fixed guideway transit and 5 for those with fixed guideway transit (one of which is required to be the adoption of Station Area Plan). If a city selects 5 (or 6 for fixed rail cities), then those cities would qualify for enhanced prioritization of state TIF/TTIF and ARPA local match program funds.

- The Department of Workforce Services shall be responsible for creating a moderate income housing database and be responsible for providing housing data to municipalities, metro townships and counties. DWS is hiring a new staffer to manage the database and will work with ULCT on building a new form for reporting and other specifics.

### **Report components**

SB 34 (2019) required applicable municipalities, metro townships, and counties to submit an annual report to the Department of Workforce Services annually on December 1. HB 462 updates the reporting process. Instead of requiring reports on December 1 of each year, reports will be due on October 1st of each year. The reporting period will be tied to a city's fiscal year. The initial year (2022) submittal must include a description of each adopted MIHP strategy selected by the municipality and a specific implementation timeline for each strategy.

Subsequent reports must include for each fiscal year period:

- MIHP strategies and implementation plans;
- A description of each action, one time or ongoing, taken by the municipality during the previous fiscal year (or past years if applicable) to implement the MIHP strategies.
- A description of each land use regulation or decision made by the municipality during the previous fiscal year (or past years if applicable) to support their MIHP strategies.
- A description of any barriers encountered by the municipality during the previous fiscal year (or past years if applicable) in implementing MIHP strategies.
- A description of how the private sector and market have responded to the selected MIHP strategies, including the number of entitled residential units and other relevant data.
- Information regarding the number of accessory dwelling units located within the municipality issued a business license or construction permit.
- Recommendations on how the state can support the municipality in implementing MIHP strategies.

This updated data collection and report should help cities complete the narrative on land use planning and housing policy.

### **Report review**

HB 462 requires DWS to approve the reporting form each year and make the form available on or before July 1 of each year the report is required. Reporting jurisdictions are then required to submit their reports to DWS on or before October 1 of that same year. HB 462 removes the requirement for reporting entities to submit their reports to their AOG or MPO. Within 90 days of DWS receiving a report, the division must post the report on their website; send a copy to UDOT, GOPB, the jurisdiction's AOG and (if applicable) MPO; and review the report to determine compliance with the updated list of menu items. HB 462 states that a jurisdiction's report complies with the requirement if the report:

- Includes the stated information required in the report
- demonstrates to DWS that the municipality made plans to implement MIHP strategies
- includes a reasonable timeline for the selected strategies.
- meets the requirement of incorporating one of the transit sub-menu items if the city has a fixed guideway public transit station.

- Is completed in the form provided by DWS.
- Provides sufficient information for the division to:
  - Assess the municipality's progress in implementing strategies,
  - Monitor the municipality's compliance with their implantation timeline,
  - Identify a clear correlation between the municipality's land use decisions and their efforts in implementing selected strategies, and
  - Identify if and how the market has responded to the municipality's MIHP strategies.

**Prioritization and penalties**

If DWS reviews the report and determines the municipality complies with the minimum requirements (5 strategies for cities with fixed guideway transit, 3 for cities without fixed guideway transit) and the municipality has adopted two additional menu item strategies, the municipality may receive priority consideration for funding from the Transportation Investment Fund (TIF), Transit Transportation Investment Fund (TTIF), and the COVID-19 local assistance matching grant program. If the municipality only complies with the minimum number of strategies (5 or 3), their requests for TIF projects, TTIF projects, and local matching grant funding will not be prioritized, but they are still eligible to be funded.

If DWS determines the municipality's MIHP fails to comply with the requirements, they must send a notice to the municipality, UDOT, and GOPB. The notice shall include that municipality is ineligible to receive funds, which funds they are ineligible to receive, the fiscal year that the municipality is ineligible for, and the basis for DWS' determination. The SB 34 provision that UDOT may not program TIF or TTIF funds on projects within municipalities that fail to comply with reporting requirements still applies. HB 462 adds ineligibility for the COVID-19 Local Assistance Matching Grant Program as a consequence for noncompliance.

HB 462 does provide municipalities with an opportunity to correct reporting deficiencies and come into compliance. In the notice given to the municipality, DWS must provide a description of each deficiency in the report and the actions needed to cure each deficiency. The legislative body of the municipality will be given 90 days from the day the notice is sent to cure the identified deficiencies, or they will lose eligibility for TIF/TTIF funding.

(TIF/TTIF provisions are at lines 3583-3844)

**Station Area Planning Requirements (lines 820-1052):**

*Objective:* Advance shared goals by maximizing development potential in appropriate areas through a collaborative city-led planning approach, allowing cities to determine how best to meet shared objectives without mandating a specific approach or zoning.

## Overview

- If a city has a fixed-guideway public transit station (rail or brt), it is required to develop a Station Area Plan (SAP) for that station and update its general plan and zoning to implement the Station Area Plan.
- Station area plans are intended to promote shared objectives such as housing availability and affordability, access to opportunities, sustainable environmental conditions, and transportation choices and connections. Plans are reviewed by the relevant Metropolitan Planning Organization (MPO), and are incorporated into the MIHP review architecture.
- Adopting a Station Area Plan is one of the actions a municipality may take to qualify for enhanced prioritization for state transportation and local match program funding. Funding from the state Industrial Assistance Account through the Governor's Office of Economic Opportunity (GOEO) will be provided to Metropolitan Planning Organizations to provide technical assistance to assist cities in developing their plans.
- Zoning changes within the Station Area will have increased referendum thresholds.

## Plan Objectives (lines 949 - 981)

Station Area Plans shall promote the following objectives:

1. Increasing the **availability and affordability of housing**, including moderate income housing. The municipality may consider actions including:
  - a. Aligning SAP with MIHP element of general plan
  - b. Providing for densities necessary to facilitate the development of moderate income housing
  - c. Providing for affordable costs of living in connection with housing, transportation and parking
2. Promoting **sustainable environmental conditions**. The municipality may consider actions including:
  - a. Conserving water resources through efficient land use
  - b. Improving air quality by reducing fuel consumption and motor vehicle trips
  - c. Establishing parks, open space, and recreational opportunities
3. Enhancing **access to opportunities**. The municipality may consider actions including:
  - a. Maintaining and improving the connections between housing, employment, education, recreation, and commerce
  - b. Encouraging mixed-use development
  - c. Enabling employment and educational opportunities in proximity to the transit station
  - d. Encouraging and promoting enhanced broadband connectivity
4. Increasing **transportation choices and connections**. The municipality may consider actions including:
  - a. Supporting investment in infrastructure for all modes of transportation
  - b. Increasing utilization of public transit
  - c. Encouraging safe streets through the designation of pedestrian walkways and bike lanes
  - d. Encouraging manageable and reliable traffic conditions
  - e. Aligning the SAP with the MPO-adopted regional transportation plan.

## Plan Requirements

1. Cities with “fixed guideway public transit” are required to plan ½ mile radius around a rail (FrontRunner, Trax, Streetcar) station, and ¼ mile radius around a bus rapid transit (which uses a separate right-of-way) station, and adopt any appropriate land use regulations to implement the station area plan. (864-868, 851-859)
  - a. SAPs may also be developed for multiple stations through an integrated process. If a station area covers more than one municipality each shall develop a SAP for their area, or coordinate together to develop a shared SAP. (933-941)
  - b. The radius is calculated from the center of the public transit station platform.
2. Station area plans shall include the following components (993-1023):
  - a. A **Station Area Vision** that is consistent with the station area plan objectives (described above), and which includes:
    - i. Constraints and opportunities for the development of land given existing conditions
    - ii. The city’s objectives, and description for the future transportation systems, land uses, public and open spaces, and the use and development of land in the station area.
  - b. A **Station Area Map** that depicts the areas within the municipality and station area subject to the plan, and where actions are needed to implement the plan (*i.e.*, the actual implementation plan may be for selected portions of the area, and vision and plan can be greater than ½ or ¼ mile radius).
  - c. An **Implementation Plan** that identifies and describes actions over the next five years the city intends to take, and action needed by others, needed to implement the station area plan, including:
    - i. modifying land use regulations;
    - ii. making infrastructure and public space improvements;
    - iii. modifying deeds or other relevant legal documents;
    - iv. securing funding or developing funding strategies;
    - v. applying applicable design standards for development; or
    - vi. providing environmental remediation.
  - d. A **statement of how the Station Area Plan promotes the plan objectives** (see above).
3. Development of a SAP must include public outreach and community engagements, and involve relevant stakeholders, including impacted landowners, other impacted communities, MPOs, UDOT, UTA, residents and business owners. (1029-1037)
4. The requirements to develop a station area plan and appropriate zoning can also be satisfied if the municipality adopts a resolution demonstrating that (869-887, 1024-1028):
  - a. Fulfilling some or all of the SAP objectives or required components are **impracticable**, due to conditions including existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions.
  - b. The city has already satisfied the Station Area Plan requirements – in whole or in part – based on **prior actions** taken before June 1, 2022, such as prior public and stakeholder engagement processes, market assessments, visioning, planning, implementation activities, capital programs, or adopted land use regulations or other actions.

5. The bill updates station area plan references in UTA's code. (2497-2686)

### **City Development and Approval Timeline, and MPO certification**

1. Municipalities are required to adopt a station area plan for existing public transit stations and adopt any appropriate land use regulations no later than December 31, 2025. (864-868; 888-903)
  - a. Cities with more than four existing stations shall complete the plan requirements for four stations by Dec. 2025, and complete no less than two plans each year thereafter.
  - b. A city with a new station (that is not yet under construction by May 2022) must adopt a station area plan before the station opens for service.
2. A “**qualifying land use application**” received by a city can trigger a one-year timeline for completion of a station area plan. (904-918)
  - a. A qualifying land use application (836-850) is one that:
    - i. involves land located within a rail-based station area;
    - ii. involves land located within a station area for which the municipality has not yet satisfied the requirements of station area plans;
    - iii. proposes the development of an area greater than five contiguous acres;
    - iv. would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;
    - v. would require a higher density than the density currently allowed by the municipality;
    - vi. proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and
    - vii. the applicant requests the initiation of a station area plan development process.
  - b. If a municipality receives a qualifying land use application *on or before* July 1, 2022, the municipality must satisfy the SAP requirements by July 1, 2023.
  - c. If a municipality receives a qualifying land use application *after* July 1, 2022, the municipality must satisfy the SAP requirements no later than 12 months after the first day of the month after the land use application is submitted.
  - d. If multiple qualifying land use applications are received, municipalities are not required to satisfy SAP requirements for more than two station areas in a 12-month period.
3. The required time period for completion of a station area plan and appropriate zoning may be extended once for a 12-month period if the municipality demonstrates to the applicable MPO that conditions exist that make doing so **infeasible** despite the good faith efforts of the municipality, and the MPO certifies such extension. (925-932)
4. A station area plan is to be adopted and submitted to the Metropolitan Planning Organization (WFRC or MAG) and UTA. The MPO, in consultation with UTA, shall review whether the plan satisfies the statutory conditions and if it does, shall certify such compliance. (1038-1052)
  - a. The MPO may certify a SAP based on *prior actions* taken by the municipality or the *impracticability* of completing elements of the SAP due to impediments.
  - b. Following adoption of the plan, and certification by the MPO, the municipality shall submit evidence of the plan adoption to DWS as part of the MIHP reporting requirements.

- c. The MPO is not responsible for reviewing the zoning changes made by the city to implement the SAP. Steps taken by the city to implement the SAP, including zoning changes, would be incorporated into the regular annual MIHP reporting process.
5. The municipal general plan land use and transportation elements must consider and coordinate with the municipality's station area plans and the regional transportation plan developed by the MPO (781 - 790).

#### **Technical Assistance (942-948)**

1. Municipalities required to develop and adopt a station area plan may request technical assistance from their relevant MPO. (This technical assistance may include consultant or staff time, model ordinances, analyses, etc.)
2. Funding will be provided to the MPOs from GOEO through the Industrial Assistance Account to provide this technical assistance (lines 3503 - 3520). Technical assistance from MPOs funded through the Industrial Assistance Fund shall give priority consideration to station area plans developed pursuant to the receipt of a qualifying land use application.

#### **Station Area Developments Will Be Propelled**

1. Within a station area where a municipality has complied with the station area plan requirements, a  $\frac{2}{3}$  approval by the legislative body of a land use law would make the legislative action non-referable (consistent with state law about legislative acts that are non-referable) (lines 2842-2884).
2. The signature thresholds are increased for a referendum for zoning to adopt a station area plan, or for zoning changes within a station area, after the city adopts the SAP or the resolution demonstrating that the SAP requirements are satisfied (lines 2688-2841).
  - a. *Note: By adopting a Station Area Plan and updated General Plan and Zoning, it reduces the likelihood that a subsequent specific development proposal will be subject to referendum.*
3. If a residential development application that would require the municipality to change a zoning designation for the land use application to be approved is within an area for which the SAP requirements have not yet been satisfied, the city will process the completed application for the residential development within the SAP on a first priority basis. (lines 919-924)

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#### **Changes to Internal Accessory Dwelling Units (IADU) (1353 - 1409)**

Prohibits local governments from charging impact fees to IADUs constructed within an existing dwelling.

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### **Changes to Point of the Mountain** (lines 1410 - 1446):

HB 462 requires the Point of the Mountain State Land Authority to incorporate housing affordability into their strategic planning, and report to the Unified Economic Opportunity Commission.

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### **Changes to The Olene Walker Board** (lines 2885 - 2956)

HB 462 modifies the Olene Walker housing board to specify:

- One of the two members from local governments shall be a local elected official residing in a county of the first or second class. The other local government member shall be a locally elected official residing in a county of the third, fourth, fifth, or sixth class.
- One of the two members from the mortgage lending community shall have expertise in single family mortgage lending than the other shall have expertise in multifamily mortgage lending.
- One of the two members from home builder interests shall have expertise in single family residential development and one member shall have expertise in multifamily residential development.
- One of the two members from housing advocacy interests shall reside in a county of the first or second class; and one member shall reside in a county of the third, fourth, fifth, or sixth class.

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### **Other Changes & Appropriations:**

#### **Rural Housing Fund Changes**

HB 462 makes several changes to the rural predevelopment grant program created in SB 164 (2021). The bill makes technical changes and caps the grant amount that a single project may receive at \$50,000. HB 462 also creates a rural housing fund with legislative appropriations, private contributions, donations or grants from public and private entities and money returned to the department from 35A-8-512(3)(b). Funds can be used to make loans for projects that:

1. Are located within a county of the third, fourth, fifth, or sixth class or a municipality within a county of the second class with a population  $\leq 10,000$ .
2. Include moderate income housing units for households whose income is no more than 80% AMI for households of the same size in the county or municipality where the project is located

#### **Housing affordability data and methodology** (lines 3229 - 3277, 3366 - 3403)

The DWS Division of Housing and Community Development is required to establish and maintain a database of moderate income housing units located within the state.

It is also required, by December 1, 2022, to develop and submit to the Subgroup on Housing Affordability (SHA, formerly known as CHA) a methodology for determining whether a municipality or county is taking sufficient measures to promote moderate income housing in accordance with municipal moderate income housing plans.

**Granting Real Property for Affordable Housing** (lines 3459 - 3503)

HB 462 expands the 'Grant of Real Property for Affordable Housing' provision created in SB 164 last year to clarify that government entities may grant real property to an entity that for the development of one or more affordable housing units, when  $\geq 20\%$  of the housing units meet the definition of moderate income housing units (housing affordable to households earning  $< 80\%$  of county area median income).

**Public transit hub** (lines 2134-2137, 3578-3582)

HB462 requires a county that has created a transit district by January 1, 2022 (i.e., Summit County), and which has a bus hub in unincorporated areas serving more than four routes (i.e., Kimball Junction) to create a Housing and Transit Reinvestment Zone (HTRZ) at that hub by December 31, 2022.

**Appropriations** (lines 3845 - 3900)

- \$500,000 to the Dept. of Workforce Services for the development of a statewide database for moderate income housing units.
- \$750,000 to the Dept. of Workforce Services to provide assistance to landlords under the DWS Section 8 landlord incentive program for two years of funding (\$375,000 each year).
- \$132,000 to the Dept. Workforce Services to hire one additional FTEs.
- \$250,000 to the Dept. Workforce Services to appropriate to a non-profit entity for the purpose of education on regional land use training workshops for local officials and policymakers on housing issues.
- \$250,000 to the Dept. Workforce Services to appropriate to a nonprofit entity that engages in efforts to increase housing affordability.

**HB462 has an effective date of June 1, 2022**