



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES

Tuesday, October 25, 2022

Approved December 13, 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

7:00 PM REGULAR SESSION

Call to Order – Audrey Moore, Chair

Invocation – Commissioner Tracy Hill

Pledge of Allegiance – Commissioner Christopher Howden

The meeting was called to order by Commissioner Jerry Abbott as a regular session at 7:03 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 Tracy Hill and those in attendance were led in the Pledge of Allegiance by Commissioner Christopher Howden.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Tracy Hill, Chris Howden, Claude Jones, Audrey Moore, Jay Roundy, and Trent Thayne

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

OTHERS PRESENT: Jon Hart

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature 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 – September 27, 2022

Commissioner Thayne MOVED to approve the minutes for September 27, 2022 as written. Commissioner Roundy SECONDED the motion. All present were in favor. The motion carried.

3. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - DAYCARES, PRESCHOOLS, AND IN-HOME INSTRUCTION *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction. The Planning Commission will take appropriate action.

Ms. Smith explained that in the fall a resident applied for a home occupation license for a daycare. Staff reviewed the application and informed the applicant that the application did not meet current requirements of the Development Code. The resident then spoke at a recent Council meeting and shared her concern of Highland's need for affordable childcare. As part of a discussion item at the same meeting, staff presented inconsistencies in approving daycares and preschools under the existing home occupation regulations. The Council was in favor of drafting an ordinance for daycares and preschools based on Lehi City's code and directed staff to move forward with a text amendment.

Commissioner Jones arrived at the meeting at 7:07 PM.

Ms. Smith pointed out that according to the current Development Code, home occupations needed to be completely inside the dwelling unit. She said daycares and preschools typically could not do that. She spoke about state requirements versus the current city code. After discussing with the applicant about what was permitted and what was not, Staff concluded that it was necessary to update city code to clarify what level of impact was allowed for daycares and preschools. She pointed out that preschools would have everyone coming and leaving at the same time. Daycares could have people coming and going all hours of the day. She talked about the traffic impact of daycares and preschools. She mentioned that current daycares and preschools in Highland were grandfathered in under old applications. She talked about aspects of the State Code, Highland's Municipal Code, and the proposed code amendments. She mentioned that the home occupation regulations would not apply to individuals who were homeschooling their own children. It would only apply to people instructing children not living in the home and getting paid for it. She pointed out that Staff recommended background checks for instructors with students under 18 years of age. This requirement would apply to daycare and preschool instructors as well as music teachers, swim lesson instructors, etc., even if the instructor was a teen.

Ms. Smith asked the Commissioners to consider the following points:

- maximum number of children permitted for preschools and in-home instruction
- maximum number of children permitted for daycares
- possible site requirements for daycares with 9-16 children
- possible site improvements required for all daycares no matter how many children were in attendance
- should caregivers not living in the home be permitted

Commissioner Roundy mentioned that he researched and observed preschools in the area. He saw one area in particular that had drivers using neighbors' driveways to drop off and pick up kids. He said flag poles had been bent and cars and trailers were regularly parked on the street rather than in a driveway so parents could use the driveway for drop-off and pick-up. He voiced concern with residents having to use traffic cones because they

felt the need to protect their property. He was concerned with increased cars and other automobiles parked on streets.

Commissioner Moore opened the public hearing at 7:37 PM and called for public comment. Hearing none, she closed the public hearing at 7:38 PM. She asked for additional discussion.

The Planning Commission discussed and considered details pertaining to the minimum number of caregivers for daycares, the requirement for instructors to have to live at the home, off- and on-street parking needs, the maximum number of children permitted, and the increased number of trips per day.

Commissioner Roundy said he spoke to a lot of residents about daycares and preschools. He said the consensus was that both should not be in residential areas.

Commissioner Moore thought it was important to not limit just one instructor for preschools. She also thought it was a very appropriate in-home business that was needed in Highland. She pointed out that Highland had a limited number of commercial areas.

Commissioner Howden wondered how many residents requested the change over the last 12 months. He wondered if the city was asked to solve a problem that didn't exist. Ms. Smith explained that this was the only requested amendment in the last 12 months. She said Highland currently had six licensed preschools and two licensed daycares. Ms. Smith pointed out that in the past the applications were, in her opinion, approved without meeting code. She explained that the approval process in the past involved obtaining signatures from neighbors. She said she would not be able to approve any other applications unless they complied with code. She said the applicant spoke about the need for affordable childcare in Highland. Ms. Smith thought it was a needed use within Highland with working moms. She said preschools and daycares did not currently meet Highland home occupation regulations and that they were currently prohibited in residential areas.

Commissioner Moore mentioned the numerous internet posts regarding families in Highland looking for local daycares or preschools.

The Commissioners discussed the potential traffic impact. They discussed business owner rights and resident neighborhood rights as well as potential impact to the neighborhood. They talked about the fact that family parties could also bring lots of traffic. They discussed whether there was a need for the proposed uses.

Commissioner Jones thought the uses were absolutely vital to communities. He thought everyone benefitted from in-home preschools and daycares. He wondered if there were on-going complaints throughout the year. Ms. Smith explained that the city received complaints for one specific preschool that was given a business license over 10 years ago requesting 30 children. She said over the years the city tried to work with the owner to mitigate the impact of the business. There had been no complaints for any other preschool or daycare business.

The Planning Commissioners discussed residents who provided lessons in the home, i.e. swim lessons, music teachers, etc. They considered requiring background checks and talked about what was involved in obtaining one.

The Commission considered the proposed types of daycares, Type 1 and Type 2, and the different code requirements for each. They discussed the proposed quarter mile radius requirement. Commissioner Moore pointed out that more women needed to work. She understood the conflict with having too many within a neighborhood and liked the quarter mile radius restriction.

Commissioner Roundy was not sure preschools and daycares were needed in residential areas. He thought swim instructors and piano teachers fell into a different category. Commissioner Thayne thought the issue was about

affordability. He explained that daycares in commercial areas were \$2,000 - \$2,500 per month or more. He said many people weren't able to afford them. The commissioners agreed that having more than 12 kids at a home business was too many.

Commissioner Howden left the meeting at 8:53 PM.

Additional discussion and deliberation ensued. Commissioner Moore called for a motion.

Commissioner Thayn moved that the Planning Commission recommend approval of the text amendment as proposed by staff to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction with the following changes:

Daycares:

- *Type 1 – as written*
- *Type 2 – 9-12 kids*
- *Type 1 and 2 - 1 off-street parking space per caregiver required*
- *Type 1 and 2 - must have a traffic plan submitted showing parking and adequate traffic flow*
- *Type 1 and 2 - A background check is required for teachers or instructors for students younger than 18 years of age*

In-home Instruction:

- *Maximum of 12 students per day provided that no student attend for more than 4 hours*
- *Remove time blocks*

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Chris Dayton (Alternate)</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</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 5:0

4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - SEWER LIFT STATIONS *Development Code Update (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 5-9-107 Underground Utilities and Sanitary Sewer relating to sewer lift stations. The Planning Commission will take appropriate action.

Ms. Smith explained that Highland currently maintained three sewer lift stations. Because of the substantial costs of maintaining and replacing sewer lift stations, the City Council directed Staff to draft an amendment to the Development Code which prohibited new development from being served by publicly owned sewer lift

stations. She said the proposed amendment would not eliminate the options for developers to have their own lift station for the development if they chose to go that route. She reviewed maintenance and replacement costs which was over \$2.2 million during FY21-22 and FY22-23.

Commissioner Moore opened the public hearing at 9:26 PM and asked for public comment. Hearing none, she closed the public hearing at 9:26 PM and asked for additional comments.

Ms. Smith explained that this would apply to new development. The Planning Commission discussed the difference between a publicly and privately owned lift stations. They discussed how to protect the city from having to take over a lift station that was once privately owned. Commissioner Moore called for a motion.

Commissioner Jones MOVED that the Planning Commission recommend approval of the proposed amendment to Section 5-9-107 Underground Utilities and Sanitary Sewer relating to sewer lift stations, with the added provision that private lift stations must prove adequate provisional funding for maintenance and repair in perpetuity.

Commissioner Thayn SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</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 5:0

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - PARK OR PLANTER STRIPS *Development Code Update (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 3-621 Park or Planter Strips to clarify that the maintenance is the responsibility of the adjacent property owner. The Planning Commission will take appropriate action.

Ms. Smith explained that the Development Code did not specify that park strips would be maintained by the adjacent property owner. She explained that the City had been enforcing it by policy for many years.

Commissioner Moore opened the public hearing at 9:40 PM and asked for public comment. Hearing none, she closed the public hearing at 9:40 PM and asked for additional discussion.

Commissioner Thayn wondered if the amendment applied to properties adjacent to trails. Ms. Smith explained that this was an entirely different issue. She said the Council approved an encroachment and maintenance agreement policy in July. The space next to trails was City owned open space rather than a right of way, therefore, the amendment would not apply to property adjacent to trails.

Commissioner Roundy suggested specifying “adjacent property owner.” He explained that he did not agree with some of the xeriscape plant materials on the list because they were considered weeds. He did not think the city should adopt the plant list from the Department of Agriculture. Regarding Exhibit A in the staff report, he was fine with #1, but suggested removing #2 and #3. He said some of the plants on the list were noted for having extremely weak wood or an unpleasant odor. He said he would change the whole list because it did not include smaller species. He suggested adding “...as approved by the city or a nationally licensed landscape architect within the city boundaries.”

Commissioner Moore voiced concern about making residents incur higher fees by requiring everyone to get approval from a landscape architect. She thought a list of plants more applicable to Highland would be helpful because not everyone would be able to afford a landscape architect.

Commissioner Roundy said residents could find a plant list online from Utah State University or other universities. He said people could research items on the list because he didn’t want residents to think it was all inclusive. Commissioner Roundy pointed out that plants might be different depending on where they lived in the city. Commissioner Moore called for a motion.

Commissioner Moore MOVED that the Planning Commission recommend approval of the proposed amendment to Section 3-621 Park or Planter Strips to clarify that the maintenance of park strips is the responsibility of the owner directly adjacent to that sidewalk, with the stipulation that the list of specific vegetation selection and choice be reviewed at a future date.

Question on the motion: Commissioner Roundy asked about noxious weeds. He said some plants listed as weeds were actually good. Ms. Smith thought it needed more research and review. She said the noxious weed list seemed to be everything that was not native to Utah. She pointed out that the Municipal Code tree list was not the same as the list in the Development Code and was happy to work with Commissioner Roundy to review them.

Commissioner Jones SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</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 5:0

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

- November 1, City Council, 7:00 pm, City Hall
- November 15, Planning Commission, 7:00 pm, City Hall
- December 6, City Council, 7:00 pm, City Hall
- December 13, Planning Commission, 7:00 pm, City Hall

ADJOURNMENT

Commissioner Hill moved to adjourn the meeting. Commissioner Thayn seconded the motion. All present were in favor.

The meeting was adjourned at 10:07 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 October 25, 2022. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary