



# HIGHLAND CITY PLANNING COMMISSION MINUTES

**Tuesday, January 24, 2023**

**Approved February 28, 2023**

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

## **VIRTUAL PARTICIPATION**

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

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

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

Call to Order – Audrey Moore, Chair

Invocation – Commissioner Jerry Abbott

Pledge of Allegiance – Commissioner Trent Thayn

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:02 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Jerry Abbott and those in attendance were led in the Pledge of Allegiance by Commissioner Trent Thayn.

**PRESIDING:** Commissioner Audrey Moore

## **COMMISSIONERS**

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

**CITY STAFF PRESENT:** Mayor Kurt Ostler, City Administrator Erin Wells, City Attorney Rob Patterson, City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White, Utility Clerk Jill Powell

**OTHERS PRESENT:** Jon Hart, Brian Jones

## **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** *General City Management - Heather White, Planning Commission Secretary*  
Regular Planning Commission Meeting – December 13, 2022

*Commissioner Chris Howden MOVED to approve the December 13, 2022 minutes with the change that Commissioner Howden conducted the meeting. Commissioner Jones SECONDED the motion. All present were in favor. The motion carried unanimously.*

**3. PUBLIC HEARING/ORDINANCE: GENERAL PLAN AMENDMENT - MODERATE INCOME HOUSING ELEMENT** *General Plan Update (Legislative) - Kellie Smith, Planner & G/S Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to update the Moderate Income Housing Element of the General Plan to be compliant with Utah State Code. The Planning Commission will take appropriate action.

Ms. Smith explained that Highland recently received a notice of non-compliance from the State regarding the moderate-income housing element of the General Plan. She said staff attended a training where it was explained that the only way the moderate-income housing element would comply with Utah State Code was by matching the strategies' wording verbatim. She said the State also required a 5-year timeline with more specific benchmarks. She noted that many cities in Utah received a notice of non-compliance from the State for the same reason. She reviewed the definitions of "Moderate-Income Housing", "Housing Affordability", and "Moderate-Income Housing Unit". She reviewed the proposed implementation measures with specific timeline and benchmarks for the following strategies:

- 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
- U - Develop a moderate-income housing project for residents who are disabled or 55 years or older
- 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
- O - Apply for or partner with an entity that applies for state or federal funds or tax incentive 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, and 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
- E - Create or allow for and reduce regulations related to internal or detached accessory dwelling units in residential zones
- 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

Commissioner Moore opened the public hearing at 7:31 PM and asked for public comment. Hearing none, she closed the public hearing at 7:31 PM and asked for additional discussion.

Each commissioner discussed strategies they were in favor of along with concerns or details that needed clarification. They discussed the implications for not adopting moderate-income housing strategies.

Commissioner Roundy thought citizens should be given a chance to provide input. He also thought that some of the strategies, namely the mortgage assistance program, were too vague and needed clarification. Commissioner Thayn wondered what the city was committing to by adopting the strategies. Mr. Patterson explained that Highland was committing to add the strategies to the General Plan, and then to report to the state on how the city was doing. He said it was up to each city to decide how to implement strategies.

After considering each strategy, members of the Planning Commission showed interest in housing projects for residents 55 years old or older, but without the phase regarding higher density. They thought “municipal employee” needed a specific definition. They thought Highland should consider regulations for accessory dwellings. Commissioner Moore called for a vote.

*Commissioner Abbott MOVED that the Planning Commission recommend strategies E, N, and U to the City Council with the following changes:*

1. Remove the phrase regarding higher density in U, and
2. Later define “municipal employee” in N.

*Commissioner Hill SECONDED the motion.*

*The vote was recorded as follows:*

Commissioner Jerry Abbott	Yes
Commissioner Chris Dayton	Absent
Commissioner Tracy Hill	Yes
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	No
Commissioner Trent Thayn	Yes

*Motion carried 6:1*

#### **4. ANNUAL OPEN & PUBLIC MEETING TRAINING**

City Attorney Rob Patterson will present a training on the Open and Public Meetings Act (OPMA).

Mr. Patterson presented training on the Open and Public Meetings Act. Commissioner Thayn wondered how working meetings were handled. Mr. Patterson explained that work sessions were noticed the same as regular meetings. He said the public was permitted to attend and listen to work sessions.

#### **5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT – MODEL HOMES**

*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 several sections of the Development Code relating to model homes in residential zones. The Planning Commission will take appropriate action.

Ms. Smith explained that model homes were operating in the Ridgeview development for each of the builders. In working with the builders to bring them to compliance on signage, staff realized that the Development Code required a conditional use permit in several residential zones but did not address model

homes in Planned Developments. Because other model home building permits were under review, staff determined it necessary to update the Development Code. Ms. Smith reviewed the proposed regulations for a model home, including the maximum number of personnel, signage, parking/traffic, lighting, operation times, business license requirements, garage usage, final inspections, and length of use.

Commission Moore opened the public hearing at 8:26 PM and asked for public comment. Hearing none, she closed the public hearing at 8:27 PM and asked for additional discussion.

The Planning Commission discussed what they thought was the appropriate amount of landscaping for a model home. Commissioner Abbott thought model homes should be landscaped the same as other homes in the development. Ms. Smith explained that the currently model homes needed to have 70% of the front landscaped within a year of receiving the certificate of occupancy. She said xeriscaping would not be required and that it would only apply to park strips. She suggested that landscaping follow typical landscaping requirements of the subdivision.

Commissioner Abbott wondered if handicapped parking was required for model homes. Mr. Patterson said cities generally didn't regulate parking for model homes because developers followed engineering standards for commercial sites.

*Commissioner Howden MOVED that the Planning Commission recommend approval of the proposed amendment to several sections of the Development Code relating to model homes in residential zones.*

*Commissioner Roundy SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Chris Dayton</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 7:0*

## **6. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - RECORD DRAWINGS** *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 5-9-111 of the Development Code to clarify details regarding record drawings or as-builts for completed subdivisions. The Planning Commission will take appropriate action.

Ms. Smith explained that the engineering department had been working with several developers in an attempt to receive more accurate record drawings for completed subdivisions. She said engineering had received different types of drawings in the past and that the code lacked specificity on what exactly was required. Ms. Smith reviewed the proposed amendments.

Commissioner Moore opened the public hearing at 8:48 PM and called for public comment. Hearing none, she closed the public hearing at 8:48 PM and asked for additional discussion.

Commissioner Roundy wondered what happened if the drawings were accepted and approved by the engineer, then something fell apart. Mr. Patterson explained that it then became Highland's responsibility. He said it was important to improve the records of the city. Commissioner Moore called for a motion.

*Commissioner Roundy MOVED that the Planning Commission recommend approval of the proposed amendment to Section 5-9-111 of the Development Code relating to record drawings of completed subdivisions.*

*Commissioner Moore SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>No</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 6:1*

## **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**

- February 7, City Council, 7:00 pm, City Hall
- February 21, City Council, 7:00 pm, City Hall
- February 28, Planning Commission, 7:00 pm, City Hall
- March 7, City Council, 7:00 pm, City Hall

## **ADJOURNMENT**

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

The meeting end at 8:56 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 January 24, 2023. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

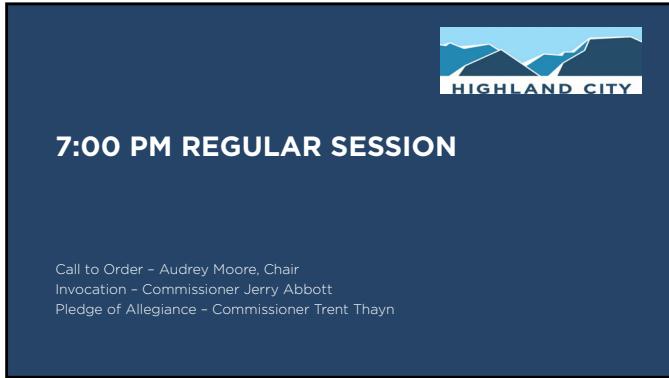
/s/Heather White  
Planning Commission Secretary



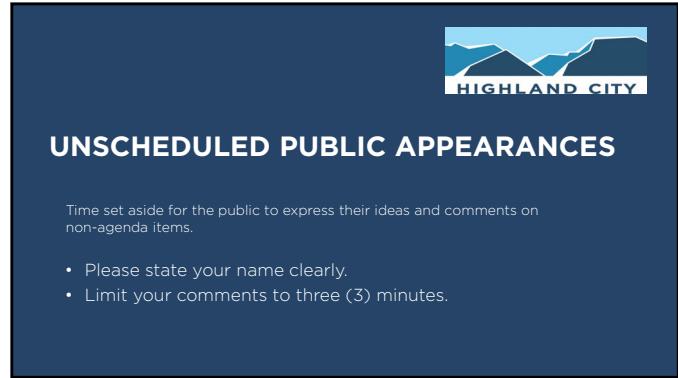
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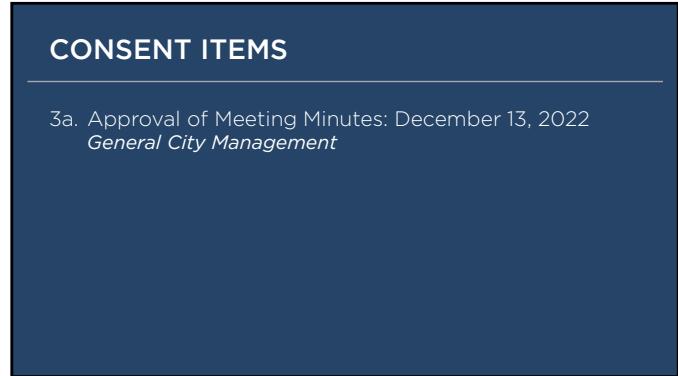
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**MODERATE INCOME HOUSING ELEMENT** *General Plan Update (Legislative)*

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

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## Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, discuss the proposed amendment, and recommend APPROVAL of the proposed General Plan amendment with any changes the Planning Commission determines necessary that are compliant with the requirements from House Bill 462.

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## Prior Council Direction

- August 16, 2022
  - Communication item – the Council directed staff to draft the amendment but keep existing implementation measures
- September 6, 2022
  - The Council approved the amendment recommended by the Planning Commission
- December 6, 2022
  - Staff made Councilmembers aware of a Notice of Non-compliance from the State; staff would draft more specific timelines and benchmarks

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## Background

- HB 462 – updated strategies and required implementation elements that include a timeline with specific benchmarks
- November 18, 2022 – notice of non-compliance from the Department of Workforce Services
- Staff attended a training led by the State
  - The only way for the amendment to comply is by matching the wording in the State's strategies *verbatim*
  - The State is also requiring a 5-year timeline with more specific benchmarks

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## State Definitions

- "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.
- "Housing affordability" means the ability of a household to occupy a housing unit paying no more than 30% of the household's income for gross housing costs, including utilities.
- "Moderate income housing unit" means a housing unit where a household whose income is no more than 80% of the area median income is able to occupy the housing unit paying no more than 30% of the household's income for gross housing costs, including utilities.

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## Utah County Housing Affordability

- Median household income: \$82,893
- 80% of AMI: \$66,314
- 30% of 80% AMI: \$19,894.32/year
- Affordable housing payment including utilities would be considered no more than **\$1,658/month**

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## Proposed Amendment (parking)

- 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;

2023	Examine and update regulations for the Senior Care Assisted Living Overlay Zone to reduce or eliminate parking requirements.
2024 + Ongoing	Annually, evaluate transit options within Highland City. Work with Utah Transit Authority to determine if there are additional planned transit options. Based on findings, update regulations of zones near transit corridors to reduce parking requirements.

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## Proposed Amendment cont. (55+)

- U - develop a moderate income housing project for residents who are disabled or 55 years old or older;

2024	Work with the Planning Commission and City Council to draft an age-restricted senior housing residential zone that requires a density higher than the City's typical residential zoning. Work with the Planning Commission and City Council to determine areas in the City where this zoning could be approved.
2025	Adopt the new senior housing zone and work with the State on application of that zone to State owned property adjacent to North County Blvd.
2028	If no property owners have requested to rezone in appropriate areas, rezone areas determined to be appropriate by the Planning Commission and City Council.

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## Proposed Amendment cont. (mixed-use)

- 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;

2023-2025	Permit the remaining 425 lots for the townhomes, carriage lots, and cottage lots that have yet to apply for building permits in the Ridgeview Planned Development.
2024	Remove the requirement to include a commercial aspect in Planned Development (PD) Districts.
2026	Work with the Planning Commission and City Council to update the Land Use Plan in the General Plan to allow for higher density housing adjacent to Commercial Retail, Commercial-1, and appropriate Planned Development zones.
2027	Work with the Planning Commission and City Council to research and draft an ordinance creating a residential zone with higher density such as a senior housing zone.

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## Proposed Amendment cont. (partnering)

- 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;

2023	Work with MAG to qualify for the Community Development Block Grant (CDBG) to help Highland City identify regional MIH priorities.
2024	Update the General Plan to set goals, policies, and implementation measures that contemplate the regional priorities identified by MAG.
2026	Work with the Housing Authority of Utah County to determine if there are properties on vacant land available in Highland City to develop affordable housing.

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## Proposed Amendment cont. (ADUs)

- E - create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

2023	Include in the City's annual survey a question to gauge support for detached accessory dwelling units in residential zones.
2025	Review the results of the annual survey. If there is significant support for detached accessory dwelling units, work with the Planning Commission and City Council to update the Development Code to allow for them; if there is not significant support from the residents, determine an alternative way to reduce regulations for internal accessory dwelling units.

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## Proposed Amendment cont. (mortgage assistance)

- 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.

2024	Work with the Mayor and Council to determine what a mortgage assistance program for municipal employees would look like and where possible funding would come from. Work on drafting the program.
2025	Adopt the mortgage assistance program for municipal employees and include it in the budget.

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## State Requirements

- 3 strategies required
- 5 strategies qualifies a municipality for prioritization of state Transit Transportation and Transportation Investment Funds and ARPA (American Rescue Plan Act) Funds.
- Strategies must be verbatim to State code
- Timeline and benchmarks must be specific and follow a 5-year timeline
- Annual Reports

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## Motion to Recommend Approval

I move that the Planning Commission recommend APPROVAL of the proposed amendment to the Moderate Income Housing Element of the General Plan.

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## Alternative Motion

I move that the Planning Commission recommend APPROVAL of the proposed amendment to the Moderate Income Housing Element of the General Plan with the following changes: (The Planning Commission will need to draft appropriate changes).

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## TEXT AMENDMENT - MODEL HOMES

*Development Code Update (Legislative)*

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

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## Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend APPROVAL of the proposed amendment relating to model homes in residential zones.

23

## Prior Council Direction

- January 17, 2023
  - Communication item – the Council agreed that the approval of model homes should be done administratively but wanted to keep some regulations in place.

24

## Background

- Current Code does not address model homes in PD Districts
- Model homes in the other residential zones are only permitted through a Conditional Use Permit

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## Proposed Amendment

- Adds model homes as a permitted use in all applicable residential zones (and removes them as a conditional use)
- Includes the following regulations:
  - Max # of personal shall not exceed 3
  - Parking/traffic must follow typical traffic laws
  - Signage and lighting are regulated by existing ordinances
  - Operation between 7:00am-9:00pm Monday – Saturday
  - Business License required
  - Garages used as sales offices to be converted back before occupancy
  - Final inspection required before conversion to residential use
  - Use shall not exceed 2 years (extension may be approved by Zoning Administrator if it is determined not to create an undue burden upon residents of the immediate area and the applicant is actively marketing homes related to the model home in Highland)

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## Motion to Approve

I move that the Planning Commission recommend APPROVAL of the proposed amendment to several sections of the Development Code relating to model homes in residential zones.

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## TEXT AMENDMENT - RECORD DRAWINGS *Development Code Update (Legislative)*

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

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## Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend APPROVAL of the proposed amendment relating to record drawings of completed subdivisions.

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## Background

- Record Drawing – actual survey points for each public improvement and utility that is placed in the ground; they also not all changes from the Approved for Construction plans
- Lack of specificity in existing Code regarding what exactly is required for record drawings/as-builts

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## Proposed Amendment

1. PDF showing the improvements installed per the approved construction plans marked as "AB".
  - a) All improvements must be shown in actual location with a horizontal control based off of the Utah County GIS Coordinate System, station and offset, or other control measures approved by the City Engineer.
  - b) Points shall be listed with the dimensions of the improvements; the document shall include a reference table with all of the points.
  - c) The survey points shall be from open-trench or pre-burial conditions, where applicable.
2. CAD files with the survey points for the public improvements.
3. Engineer of Record Stamp certifying the locations of the completed public improvements on the document.

The public improvements and record drawings of the improvements must be accepted and approved by the City Engineer prior to any release of bond monies or beginning of any warranty period.

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## Motion to Approve

I move that the Planning Commission recommend APPROVAL of the proposed amendment to Section 5-9-111 of the Development Code relating to record drawings of completed subdivisions.

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## **OPEN AND PUBLIC MEETINGS TRAINING**

Utah Code Title 52, Chapter 4

Public bodies are required to “take their actions openly” and “conduct their deliberations openly”

### **What is a “Meeting”?**

Convening a quorum of a public body (majority of voting members) in person or electronically

- Includes workshops, electronic meetings, executive sessions, site visits, travelling tours
- Does not include chance gathering, social gathering, or sending emails (no action taken)

### **Open meetings vs. Closed Meeting**

All meetings are open to the public, unless closed by 2/3 vote for specific and limited reasons

- To close a meeting, the Council must identify reason, place, and vote of each member
- Cannot take action or vote in closed session (approve ordinance, contract, appointment)

Reasons for closed meetings are described in Utah Code § 52-4-205 and include:

- Character, professional competence, or health of an individual
- Pending or reasonably imminent litigation or investigations into criminal misconduct
- Transactions and strategies involving the purchase or sale of real property
- Trade secrets or certain aspects of procurements
- Quasi-judicial deliberation

### **Public Meeting vs. Public Hearing**

Public meeting: Public can attend, observe, and record, but not necessarily participate\*

Public hearing: Public is given the opportunity to comment and participate

Identification of speakers: Name of each person who comments must be recorded

### **Agendas and Notice**

Publish annual meeting schedule of date, time, and place of regularly scheduled meetings

Each meeting, regular or special, must have a public agenda describing topics being considered

- The Council may only take final action on items that are listed on the agenda
- The Council may discuss an item not on the agenda if the item is raised by the public during the meeting, but the Council cannot take any action on the item

Must provide at least 24 hours’ public notice of agenda, date, time, and place of all meetings

- Must post notice at City offices, on Utah Public Notice Website, and give to the news
- Additional notice and publication requirements for public hearings (1–4 weeks’ notice)

### **Records**

In general, the City must keep detailed records of every meeting, including presentation material

- Open session: Must record and have written minutes that includes votes and actions
- Closed session: Generally must record, but do not always need written minutes
- Draft minutes must be posted within 30 days, followed by final, approved minutes

### **Challenges and Enforcement**

A court can void any action taken in violation of open meeting, agenda, or notice requirements and may review records of closed sessions. Successful plaintiffs may get attorney fees and costs.



**HIGHLAND CITY**  
**PLANNING COMMISSION MEETING**  
**January 24, 2023**

**ATTENDANCE SHEET**

	<b>PLEASE PRINT NAME:</b>	<b>EMAIL</b>	<b>PHONE#</b>
1	Brian Jones	—	204-397-7873
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