



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION AGENDA


Tuesday, June 22, 2021


Approved July 27, 2021

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

VIRTUAL PARTICIPATION

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

 Zoom: Call 1-346-248-7799 Meeting ID: 820 3295 1846

 Email comments prior to meeting: planningcommission@highlandcity.org

7:05 PM REGULAR SESSION

Call to Order – Mino Morgese, Commission Vice Chair

Invocation – Commissioner Chris Howden

Pledge of Allegiance – Commissioner Claude Jones

The meeting was called to order by Planning Commission Vice Chair Mino Morgese as a regular session at 7:05 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 Chris Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Claude Jones.

PRESIDING: Commissioner Mino Morgese

COMMISSIONERS

PRESENT: Chis Howden, Claude Jones (*electronically*), Audrey Moore, Mino Morgese,

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Attorney Rob Patterson, City Planner and GIS Specialist Kellie Bronson, Planning Commission Secretary Heather White

OTHERS PRESENT:

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 – May 25, 2021

Commissioner Howden MOVED to approve the minutes for the May 25, 2021 Planning Commission meeting. Commissioner Moore SECONDED the motion. All present were in favor. None were opposed. The motion carried.

3. PUBLIC HEARING: TEXT AMENDMENT: PARCEL BOUNDARY ADJUSTMENTS, LOT LINE ADJUSTMENTS, AND PLAT AMENDMENTS *Administrative*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code related to parcel boundary adjustments, lot line adjustments, and plat amendments to be consistent with House Bill 409. The Planning Commission will take appropriate action.

Ms. Bronson explained that HB 409 was passed and took effect May 5th. The proposed amendments would bring city code in line with the new changes to State code. She reviewed the proposed changes compared with the current process.

Commissioner Morgese asked about the background of HB 409. Mr. Patterson explained that the legislature did a comprehensive land use update. He said they updated a lot of things about land use code and gave clarity about changes made to parcels that were in a subdivision and parcels that were not.

Commissioner Morgese opened the public hearing at 7:10 PM and asked for public comment. Hearing none, he closed the public hearing at 7:11 PM and called for a motion.

Commissioner Moore MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to several sections of the Development Code relating to parcel boundary adjustments, lot line adjustments, and plat adjustments.

Commissioner Jones SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Absent</i>

Motion carried 4:0

4. PUBLIC HEARING: TEXT AMENDMENT: ACCESSORY DWELLING UNIT

Administrative

Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-624 Accessory Dwelling Unit to be consistent with House Bill 82. The Planning Commission will take appropriate action.

Ms. Bronson explained that HB 82 was recently passed and would take effect October 1, 2021. She explained that the bill defined regulations that cities could place on ADUs (accessory dwelling units). She pointed out that a definition was added to clarify the difference between an ADU and a short-term rental and mentioned that a section was added regulating short-term rentals. She reviewed the proposed amendments.

Commissioner Howden asked about the zoning districts that would permit ADUs. Ms. Bronson explained that ADU's would be prohibited on lots less than 6,000 square feet. Mr. Patterson noted that the building code was also updated. He said ADUs no longer required a full bio-break in the house. He thought it was a push by the legislature to have more affordable housing.

Commissioner Morgese opened the public hearing at 7:17 PM and asked for public comment. Hearing none, he closed the public hearing at 7:18 PM and called for a motion.

Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Section 3-624 Accessory Dwelling Unit.

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Absent</i>

Motion carried 4:0

5. PUBLIC HEARING: TEXT AMENDMENT: CONDITIONAL USE UPDATE

Administrative

The Planning Commission will hold a public hearing to consider a request by Highland City staff to amend several sections in Chapter 4 Conditional Use Procedure in the Development code to be consistent with House Bill 409. The Planning Commission will take appropriate action.

Mr. Patterson reviewed the proposed amendments. He explained that the State now stipulated that cities could have conditional uses with objective standards set forth in an applicable ordinance. He reviewed the details of the code amendment which included the elimination of a required public hearing, general review criteria, planning commission recommendation requirements and council approvals.

Commissioner Moore wondered what happened if something was done but did not have a conditional use permit. Mr. Patterson explained that it would be a complaint that was forwarded to staff for code enforcement first. The Planning Commission might see an application after code enforcement was addressed.

Commissioner Howden wondered how the commissioners would craft a list of criteria for uncommon uses that might submit application to the city. Mr. Patterson explained that staff would handle the initial review. Concerns could be reviewed by the Planning Commission and Council. He mentioned that public comments that were code-based could be taken into consideration.

Commissioner Morgese opened the public hearing at 7:26 PM and asked for public comment. Hearing none, he closed the public hearing at 7:27 PM and called for a motion.

Commissioner Moore MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to several sections in Chapter 4 Conditional Use Procedure in the Development Code.

Commissioner Howden SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Absent</i>

Motion carried 4:0

ADJOURNMENT

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

The meeting adjourned at 7:28 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 June 22, 2021. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary

Welcome to the Highland
Planning Commission
Meeting

June 22, 2021



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PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to (3) three minutes.

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CONSENT ITEMS

- Item 2a – Approval of Meeting Minutes – Regular Planning Commission Meeting May 25, 2021 *Administrative*

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**PARCEL BOUNDARY
ADJUSTMENTS, LOT LINE
ADJUSTMENTS, AND PLAT
AMENDMENTS** *LEGISLATIVE*

Item #3 – Text Amendment
Presented by – Kellie Bronson

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Background

- House Bill 409 effective on May 5, 2021
- Modifies property boundary adjustments, subdivision amendments, and public street vacations.

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Proposed Amendment

- Definitions relevant to the section
 - Lot
 - Lot line adjustment
 - Parcel
 - Parcel boundary adjustment
 - Plat amendment

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Proposed Amendment Cont.

Current Process		Proposed	
Parcel and Lot line adjustment	Plat Amendment	Parcel Boundary Adjustment	Plat Amendment (includes Lot line adjustment)
<ul style="list-style-type: none"> -Application -Approval from Staff -Notice of approval recorded at the County along with parcel/lot adjustment 	<ul style="list-style-type: none"> -Application -Public Hearing Notice (notices sent out to 500' radius around property) -Public Hearing held at City Council -Approval from City Council -Plat recorded at the County 	<ul style="list-style-type: none"> -Application -Approval from Staff -Notice of approval recorded at the County along with parcel/lot adjustment 	<ul style="list-style-type: none"> -Application -Meeting Notice (notices sent out to 500' radius around property) -Approval from City Council -Plat recorded at the County

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- ### Proposed Amendment - cont.
- A public hearing is only required for a plat amendment if:
 - Any owner within the original subdivision plat objects in writing within 10 days of mailed notification
 - All owners in the revised plat have not signed the revised plat.
 - The petition contains a request to vacate some or all of a public street, right of way, or easement

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- ### Citizen Participation
- Public Hearing Notice
 - Daily Herald
 - State and City websites
 - No correspondence has been received.

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Recommendation & Proposed Motion

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

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to several sections of the Development Code related to parcel boundary adjustments, lot line adjustments, and plat amendments.

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HIGHLAND CITY

ACCESSORY DWELLING UNITS

LEGISLATIVE

Item #4 – Text Amendment
Presented by – Kellie Bronson

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- ### Background
- House Bill 82 adopted
 - Modifications regarding accessory dwelling units are effective as of October 1, 2021

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Proposed Amendment

- Definition
 - **Accessory dwelling unit:** a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit.
 - “If the renting/subleasing of the unit is for a period of less than thirty (30) consecutive days, it is considered a short term rental and requires a business license. See Chapter 5.24 in the Municipal Code for the regulating of short term rentals.”

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Proposed Amendment – cont.

- Prohibits ADUs on lots less than 6,000 square feet
- A minimum of 1 off-street parking space required
- Prohibits separate utility meters for the home and the ADU

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Citizen Participation

- Public Hearing Notice
 - Daily Herald
 - State and City websites
- No correspondence has been received.


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Recommendation & Proposed Motion

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

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to Section 3-624 Accessory Dwelling Unit.

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CONDITIONAL USE UPDATE

LEGISLATIVE

Item #4 – Text Amendment
Presented by – Rob Patterson
City Attorney

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Background

- House Bill 409 effective on May 5, 2021
- “municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance...A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

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Proposed Amendment

- Eliminates the requirement to hold a public hearing for a conditional use permit (*administrative*)
- General Review Criteria
 - The site of the structure or use
 - The impact of the proposed building or use on surrounding uses
 - Conditions relating to safety of persons and property
 - Conditions relating to health and sanitation
 - Conditions relating to environmental issues

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Proposed Amendment – cont.

- Planning Commission and Council Review
 - Shall review the relevant factors, standards, and ordinances, including the general review criteria
 - May not require elimination of all detrimental effects if the detrimental effects can be reasonably mitigated

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Citizen Participation

- Public Hearing Notice
 - Daily Herald
 - State and City websites
- No correspondence has been received.

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Recommendation & Proposed Motion

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

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to several sections in Chapter 4 Conditional Use Procedure in the Development Code

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