



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES
Tuesday, July 26, 2022

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

Approved August 23, 2022

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: 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 usage 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 usage 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