

# Highland City Planning Commission

## January 28, 2020

*APPROVED March 24, 2020*

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:05 PM on January 28, 2020. An invocation was offered by Commissioner Abbott and those assembled were led in the Pledge of Allegiance by Commissioner Carruth.

**PRESENT:** Commissioner: Christopher Kemp  
Commissioner: Sherry Carruth  
Commissioner: Jerry Abbott  
Commissioner: Audrey Wright

**EXCUSED:** Commissioner: Ron Campbell  
Commissioner: Claude Jones

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Planner: Tara Tannahill  
Fire Chief: Reed Thompson  
Planning Commission Secretary: Heather White

**OTHERS:** Steve Mann, Quentin White, H. Pockrus

### **PUBLIC APPEARANCES**

Chair Kemp asked for public comment. None was offered.

### **PUBLIC HEARING ITEMS**

1. TA-20-01

*Roy Huntsman is requesting approval to amend Chapter 5 Subdivision of the Development Code to allow flag lots.*

Commissioner Kemp opened the public hearing at 7:06 PM. Ms. Tannahill reviewed the details of the request to allow flag lots. She reviewed the history of the property and explained that flag lots were not currently permitted in Highland. She reviewed the proposed setbacks and requirements. She said she contacted neighboring cities to find out if flag lots were permitted in those cities. Even though neighboring cities allowed flag lots, the majority that responded said they did not allow them very often and had restrictions. Commissioner Abbott wondered if other cities allowed flag lots when subdivisions were being platted or if they permitted flag lots after a subdivision was built out. Ms. Tannahill said it meant that in the city code there was some form

of flag lots that were permitted. She did not specifically ask the cities when they allowed a flag lot.

Ms. Tannahill mentioned that she talked with Chief Gwilliam with Loan Peak Police and Chief Thompson with Lone Peak Fire District and both had concerns due to emergency response with visibility of the entrance into the flag lot. Ms. Tannahill mentioned that flag lots could create an opportunity for infill development. Based on the proposed wording, staff found 805 lots in Highland that could potentially have a flag lot based on zoning, however, density requirements were not verified.

Commissioner Kemp asked Chief Thompson to address the Planning Commission. Chief Thompson explained that his concerns were due to access and being able to see flag lots from the street. He said it would still present challenges for emergency response even if the flag lots were signed. One issue would be the overall density increase. He explained that some areas had small waterlines. 6-inch water lines were installed in the past as a water main compared to the current requirement of 8-inch water lines. He said the smaller water lines could cause trouble with water flow and hydrants might need to be added. He wondered who would pay for the cost of the additional hydrants. Chief Thompson also voiced concern with access and space for trucks to turn around.

Commissioner Kemp wondered if fire services had ever been called to a place where they could not find the house. Chief Thompson said they had in circumstances when addressed were not updated at the county. To his knowledge there was one pre-existing flag lot in Highland.

Commissioner Kemp wondered why the request was being made. Ms. Tannahill explained that the property owner was hoping to put a home for his mother in the back of the property with his home on the front of the property.

Commissioner Kemp liked the idea of infill in some parts of the city but did not want to apply it to the whole city. He wondered if flag lots could be considered lot by lot. He thought it might be best to be done when the general plan was updated. He said he was not willing to change the code, but maybe it was an amendment to look at in the future.

Commissioner Abbot talked about how flag lots could block other property owners' views. He thought flag lots were difficult with fire and police services as well as parking for residential parties and multiple guests. He talked about detached dwelling units and thought there would be more requests in the future as residents got older.

Resident Steve Mann was in favor of flag lots. He said they had 4.5 acres and that the siblings wanted to stay near parents. He said the main house had about 1.3 acres which left about three acres to be divided between three siblings. Commissioner Abbott wondered if they had considered a cul-de-sac. Mr. Mann talked about the expense of a cul-de-sac. Commissioner Kemp voiced concern with allowing this request for a flag lot and then getting bombarded with additional requests. He thought it would work with Mr. Mann's property but did not think it was good to approve citywide. Commissioner Kemp suggested that the Mann family speak to staff to

see what could be done with the property. He said he had been involved with develop and every city he talked to hated flag lots.

Commissioner Kemp called for additional comments. Hearing none, he closed the public hearing at 7:28 PM. He called for additional comments from the commissioners. Hearing none, he called for a motion.

MOTION: Commissioner Abbott moved that the planning commission recommend denial of case TA-20-01 a request for a text amendment to allow flag lots based on the findings concerning safety. Commissioner Wright seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Carruth, and Commissioner Wright were in favor. None were opposed. Motion carried with two absent.

2. TA-20-03

*Highland City Staff is requesting approval to amend Section 10-102 of the Development Code for the definition of "Family".*

Commissioner Kemp opened the public hearing at 7:31 PM.

Ms. Tannahill explained that city staff was proposing to amend the definition of the family within the development code. She explained that the current definition allowed two unrelated adults and their families to live in one dwelling unit. The proposed definition would allow one or more persons related by blood, marriage, adoption or legal guardianship or up to four unrelated individuals to live within one dwelling unit. Mr. Crane explained that the "unrelated" part of the code was defined by state requirements. He said the Highland city council made changes to the code in 2011 for the purpose of circumventing the requirement to comply with the building code as it related to basement apartments for air circulation requirements, fire separation, and ingress and regress. He explained that the current definition created a duplex with one house. He said the proposed change complied with the federal definition of family.

Commissioner Kemp wondered how the city would handle multiple unrelated families currently living in one house. Mr. Crane explained that anyone living in a house based on the current definition in the zoning section still did not comply with the building code. He said the proposed amendment would bring the zoning code in agreement with the building code.

A Highland resident talked about a neighbor who was getting his basement ready to be an Airbnb. He wondered how the change would impact the neighbor. Commissioner Kemp explained that Airbnbs were considered short-term rentals and fell under a different code. He said the neighbor would not be compliant if they did not get a permit from the city.

Commissioner Kemp closed the public hearing at 7:40 PM and called for a motion.

MOTION: Commissioner Abbott moved that the Planning Commission accept the findings and recommend approval of the proposed amendment based on the findings as discussed. Commissioner Carruth seconded the motion. Commissioner Kemp, Commissioner Abbott,

Commissioner Carruth and Commissioner Wright were in favor of the motion. None were opposed. The motion carried with two absent.

3. TA-20-02

*Highland City Staff is requesting approval to amend multiple sections of the Development Code related to regulations for basement/accessory apartments.*

Commissioner Kemp opened the public hearing at 7:41 PM.

Ms. Tannahill explained that there was currently an ordinance called “Basement Apartments” and staff was hoping to amend it to “Accessory Dwelling Units”. She mentioned that the city council recently updated Highland’s moderate-income housing element in the General Plan with four goals to satisfy the state mandated requirement with SB 34 Moderate Income Housing. She explained that one element of the state mandate adopted by the city was to review and update the regulations for accessory dwelling units in the land use code to encourage additional housing options for residents. She said the proposed amendment would no longer require the applicant to submit a conditional use permit application for a basement apartment and homeowners would no longer have to provide separate utilities. She said requirements for off-street parking and the look of the front of the house would be kept in the code. Signage would also be required.

Commissioner Wright asked if an extra mailbox met the signage requirement. Ms. Tannahill explained that it did not. She added that the house needed to be owner-occupied and could be rented out to one other family. She said the accessory unit could be under the house, on top of the garage, or attached to the main dwelling unit some other way. Fire code would also need to be met.

Commissioner Wright wondered about a homeowner leaving for a church mission. Ms. Tannahill explained that they would only be able to rent the home to one nonrelated family. If they had a basement apartment, they would have to have related family living in the house before they rented to someone not related. Ms. Tannahill pointed out that staff also recommended a requirement that applications and required documentation would be reviewed by the building department.

Commissioner Kemp thought the city probably needed to address detached units soon. He suggested that staff reach out to other cities to find out what they were doing. Commissioner Abbott agreed and said there were many examples that looked nice. He talked about some of the examples he had seen with units over the garage or separate units with restricted square footage.

Commissioner Kemp closed the public hearing at 7:52 PM and called for a motion.

MOTION: Commissioner Wright moved that the Planning Commission accept the findings and recommended approval with the staff’s recommended wording of the proposed amendment as outlined. Commissioner Abbott seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Carruth and Commissioner Wright were in favor of the motion. None were opposed. The motion carried with two absent.

4. TA-20-04

*Highland City Staff is requesting approval to amend Section 5-8-101 of the Development Code relating to subdivision layout and environmentally sensitive lands.*

Commissioner Kemp opened the public hearing at 7:53 PM.

Ms. Tannahill reviewed the proposed amendment to the section for subdivision layout. She explained that the amendment would make the code compliant with federal regulations.

Commissioner Kemp called for public comment. Hearing none, he closed the public hearing at 7:55 PM and called for a motion.

MOTION: Commissioner Abbott moved that the Planning Commission accept the findings and recommend approval based on staff presentation. Commissioner Wright seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Carruth and Commissioner Wright were in favor of the motion. None were opposed. The motion carried with two absent.

#### **APPROVAL OF MINUTES**

MOTION: Commissioner Abbott moved to approve the November 19, 2019 minutes. Commissioner Wright seconded the motion. All present were in favor. The motion carried with two absent.

#### **COMMISSION COMMENTS AND SUGGESTIONS**

Commissioners asked about the progress with the General Plan, the Murdock Connector, and Dry Creek. Mr. Crane explained that the General Plan project was canceled during the last budget year because projected funds were running low. He said it was not included in the current budget. He explained that the designs and plans for the Murdock Connector were complete, and it was almost ready to go to bid. He said Dry Creek Lake was currently under construction and the developer was hoping for a September opening.

#### **ADJOURNMENT**

MOTION: Commissioner Wright moved to adjourn the meeting. Commissioner Carruth seconded the motion. All present were in favor. The motion carried.

The meeting was adjourned at 8:00 PM.