



Planning Commission Meeting

Tuesday, May 6, 2025 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Mary Cokenour,
Commissioner Julie Bailey, Assistant City Manager Megan Gallegos, City
Recorder Melissa Gill

Meeting Location: 648 S Hideout Way

1. Call to Order

2. Minutes Review/Approval (action)

Attachments:

- **2025-04-01** (2025-04-01.pdf)
- **2025-04-15** (2025-04-15.pdf)

3. Public Comment

4. Annexation Policy Revisions (discussion)

Attachments:

- **2025 Annex Plan** (2025_Annex_Plan.pdf)
- **Monticello City Annexation Expansion Area Map** (Monticello_City_Annexation_Expansion_Area_Map.pdf)
- **Parcel 33S23E248400-33S23E248401** (Parcel_33S23E248400-33S23E248401.pdf)
- **Parcel 33S23E49000** (Parcel_33S23E49000.pdf)
- **Parcel 33S24E317200-33S24E26000-33S24E317204** (Parcel_33S24E317200-33S24E26000-33S24E317204.pdf)

5. Permitted Uses/Zone Intents (discussion)

Attachments:

- **Home Based Business Definition** (Home_Based_Business_Definition.pdf)
- **Utah - Home Based Businesses** (Utah_-_Home_Based_Businesses.docx)

6. Building Permit Update (discussion)

7. Administrative Communications

8. Next Meeting Agenda

June 3, 2025 Public Hearing Annexation Policy

9. Adjournment (action)

Audio File

<https://soundcloud.com/user-250815044/2025-05-06-planning-commission>

Notice of Special Accomodations

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5

Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271) | Agenda published on 05/02/2025 at 10:12 AM



Planning Commission Meeting Minutes

Tuesday, April 1, 2025 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Mary Cokenour,
Commissioner Julie Bailey, Assistant City Manager Megan Gallegos, City
Recorder Melissa Gill

Meeting Location: 648 S Hideout Way

1. Call to Order

Minutes:

Chairperson Bennett called the Monticello City Planning Commission meeting to order at 6:33 pm.
The following visitors were present: City Councilmember Kevin Dunn

2. Minutes Review/Approval (action)

Minutes:

MOTION to approve the minutes of 03/04/2025 was made by Commissioner Bailey with the correction of agenda item 8, "Commissioner Cokenour motioning to adjourn" and seconded by Commissioner Bailey. The motion passed unanimously.

Vote results:

Ayes: 3 / Nays: 0

3. Public Comment

Minutes:

There was no public present for comment.

4. Annexation Policy Revisions (discussion)

Minutes:

Commissioner Bennett led the discussion of the Annexation Policy revisions. She presented the question: Is the Planning Commission comfortable with presenting the draft at a public meeting. Assistant City Manager Gallegos made a few suggestions for review. They were clarified and discussed in detail. Bennett informed the Commission that HB 368 would have some potential wording that would necessitate a change in procedure but has not been signed by the Governor yet.

5. Permitted Uses/Zone Intents (discussion)

Minutes:

Gallegos led the discussion on the agenda item. The administration and Commission reviewed all permitted uses listed and discussed the zones which they felt those uses should be allowed in. Clarity regarding automobile establishments was a large portion of the conversation.

Commissioner Bailey suggested the amount of vehicle storage allowed should be determined by the sq footage of the lot. The allowable height of buildings was discussed in detail. It was determined that the allowable height of buildings will be removed from the permitted uses list and addressed in a different portion of the building code. Other items where definitions were clarified include Care and Keeping of Livestock and Fowl, Childcare, Daycare, Preschool, Dwellings, Kennels, and Religious Facilities.

Gallegos stated that the State of Utah frowns on conditional uses citing uses should be permitted or not permitted within a zone. She recommended the Commission review Monticello City Code Title 10: Zoning Regulations to determine if “conditional uses” should be eliminated. The Commission reviewed all listed “conditional uses”.

6. Legislative Update (discussion)

Minutes:

Commissioner Bennett gave a report on Utah State Land Use Legislative changes. A powerpoint presentation is included in the agenda packet providing highlights.

7. Administrative Communications

Minutes:

Commissioner Cokenour informed the Commission that she found a picture from 2010 Pioneer Day that included the tractors that were once housed in Monticello. Gallegos stated she will be reporting to the City Council next week regarding the annexation policy revision progress of the Planning Commission.

8. Next Meeting Agenda

Minutes:

Special Meeting on Annexation 04/15/2025. May 6, 2025 - Statement Addressing Any Comments Made at 04/15/2025 Meeting Or Received During the Ten (10) Day Comment Period Regarding Annexation Plan - Permitted Uses - Building Permit Update

9. Adjournment (action)

Minutes:

MOTION to adjourn was made by Commissioner Cokenour and seconded by Commissioner Bailey. The motion passed unanimously and Commissioner Bennett adjourned the meeting at 9:42 pm.

Vote results:

Ayes: 3 / Nays: 0

Audio File

<https://soundcloud.com/user-250815044/2025-04-01-planning-commission>

Notice of Special Accommodations

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Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271)



Planning Commission Special Meeting Annexation Plan Minutes

Tuesday, April 15, 2025 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Mary Cokenour,
Commissioner Julie Bailey, Assistant City Manager Megan Gallegos, City
Recorder Melissa Gill

Planning Commission Special Meeting: Annexation Plan

Meeting Location: 648 S Hideout Way

1. Call to Order

Minutes:

Commissioner Bennett called the Monticello City Planning Commission Annexation Plan Special Meeting to order at 6:34 pm. The following visitors were present: Lejon Gines, Charlotte Johnson, Sue Halliday, Chet Johnson, Jimmie Forrest, Carol Forrest, Adam Halliday, Shalena Halliday, Bryan Bowring, Kevin Francom, Paul Sonderegger, Trent Sonderegger, Stephen Redd, Gary Redd, Jan Redd, Tanner Holt, Brad Bunker, Gary Halls, Eric George

2. Welcome and Introductions

Minutes:

Chairperson Bennett welcomed all present and explained the order of operations for the meeting.

3. Administration Reports

Minutes:

Planning And Zoning Administrator Gallegos informed all present the purpose for updating the current Annexation Policy Plan. She stated the State of Utah encourages municipalities to review their annexation plan every five years and Monticello City's was last updated in 2002. Gallegos presented the current annexation plan map along with the proposed map and further explained the letters that were sent to property owners. Letters of notification were sent to residents currently inside city limits that border the city limits line, residents who have land included in the proposed annexation expansion map, and residents who own property bordering the San Juan County side of the proposed annexation expansion map.

4. Question and Answer

Minutes:

Question 1: Bunker asked why the map was being changed after so long a time. Gallegos informed him that in order to feel comfortable with future annexation requests the annexation plan should be updated. A review of the map is included in the process.

Question 2: Sonderegger asked for clarification regarding annexation into the city limits. If property was included in the expansion area map, the property owner must request to be annexed into the city. Gallegos stated that if a property received a majority of utility services from the city State Code allows the city to pursue annexation however there was a lengthy process involved which included communication with the property owner and various public hearings.

Question 3: Sonderegger further inquired if the San Juan Hospital had an annexation request with the City. Gallegos reported that once the certificate of occupancy was received from the County the Hospital would begin the annexation process.

Question 4: Bowring had a question regarding the placement of his house. He asked how he could get out of the expansion area. Commissioner Bennett stated anyone wishing to make a request should email the City Recorder their request along with the physical address, mailing address, and parcel number they wish to be included or removed from the expansion area. Gallegos further stated they would have ten days after the meeting to make their requests along with the additional hearings that will be held before the process is complete. She explained that the State of Utah did not want municipalities to create islands or peninsulas on the map so while all requests would be addressed individually some may be denied due to placement of property around them.

Question 5: Bunker asked if the city would discuss the criteria to develop the annexation policy with the public. Bunker explained to all present that the State had very specific criteria that would be reviewed when considering any annexation into the city. Gallegos projected the proposed document for all to view. She also asked those interested in receiving a copy of the proposed plan to leave their email address for the Recorder to email to them.

Question 6: George asked for clarification on the blue area of the map. He wanted to know if it could receive city services with reasonable effort.

Question 7: Forrest asked if the property tax would increase if annexed into the city. Gallegos confirmed if it did become part of the city limits they would be assessed city taxes. He inquired if they were removed from the proposed area would it have a negative effect on the property once it changes hands to his children.

Question 8: Chad Johnson, representing Sue Halliday, requested parcel number 3233s24e be removed from the expansion area.

Question 9: Holt stated he does not own property outside of the city limits. He requested the City take careful consideration in the criteria and qualifications of the process of creating the annexation plan in order to benefit future generations to come.

There was further discussion between the audience and commission regarding clarification of procedures.

5. Adjournment (action)

Minutes:

MOTION to adjourn was made by Commissioner Cokenour and seconded by Commissioner Bailey. The motion passed unanimously and Commissioner Bennett closed the meeting at 7:25 pm.

Vote results:

Ayes: 3 / Nays: 0

Audio File

<https://soundcloud.com/user-250815044/2025-04-15-planning-commission>

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Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271)

DRAFT ANNEXATION POLICY PLAN

City of Monticello, Utah

The annexation policy plan was prepared in accordance with the provisions of Utah Code Title 10, Chapter 2, Part 4, Annexation, as of the date of approval of this plan. The plan addresses the criteria and relevant matters required by Utah code and was prepared following the procedures specified in state code.

A. Requests For Annexation

- (1) The City will receive annexation proposals only through submission of an annexation petition. (UT 10-2-402(2) and 10-2-403(1)).
- (2) Petitions for annexation must follow the requirements at UT 10-2-403. Failure to meet the requirements at UT 10-2-403 will result in the City's refusal to consider the annexation proposal.
- (3) Petitions that conform to UT 10-2-403 will be accepted or denied by the City in accord with UT 10-2-405 and this Annexation Policy Plan.
- (4) The city may annex an unincorporated area without an annexation petition if the action meets the requirements at UT 10-2-418.

B. Expansion Area Defined

- (1) As part of its on-going effort to plan and prepare for responsible growth, the City of Monticello has identified undeveloped territory in San Juan County that is adjacent to present City boundaries that could, at some time in the future, be a part of the City. (UT 10-2-401.5(3)(b)(i))
- (2) The area proposed for future annexation is not bordered by any other municipality and no urban development is found within 1/2 mile of the city boundary. (UT 10-2-401.5(3)(c))
- (3) The expansion area is more than 5,000 feet from the centerline of the nearest airport runway. (UT 10-2-402(6)(b))
- (4) The expansion area is depicted on the attached map, Monticello City Expansion Area, which is herewith made a part of the Annexation Policy Plan. (UT 10-2-401.5(3)(a))

C. Criteria for Evaluating Area Proposed for Annexation

- (1) Areas to be annexed must fall within the area designated for future expansion on the Monticello City Expansion Area map. If the proposed area for annexation is outside of the current expansion area, the City shall deny the proposal. (UT 10-2-402(1)(b)(iv))
- (2) Areas to be annexed must be compatible with the City's character, which is currently mixed residential, commercial, industrial, and agricultural. The City envisions many opportunities for growth and will consider annexation proposals broadly. (UT 10-2-401.5(3)(b)(i))
- (3) An area proposed for annexation must be a contiguous area. (UT 10-2-402(1)(b))
- (4) Areas to be annexed must be contiguous to the corporate limits of the City of Monticello at the time of the submission of an annexation request. (UT 10-2-402(1)(b))
- (5) Areas to be annexed shall not leave or create an unincorporated island or unincorporated peninsula, unless San Juan County and the City have otherwise agreed. If an unincorporated island or peninsula existed before annexation, the city may consider the proposed annexation if it will reduce the size of the unincorporated island or

peninsula. The city may consider annexation of an unincorporated island or unincorporated peninsula when criteria at 10-2-401(1)(c) or 10-2-418(3) of Utah Code are met.

(6) Annexation cannot include only part of a parcel of real property and exclude part of the same parcel unless the parcel owner has signed the annexation petition. Boundaries of areas proposed for annexation shall follow boundaries of existing parcels and special districts, to the extent practicable and feasible. (UT 10-2-403(5)).

(7) Areas to be annexed cannot include areas or parts of areas that were previously proposed for annexation and not denied, rejected, or granted. (UT 10-2-403(4))

(8) The City shall not annex territory for the sole purpose of acquiring revenue. (UT 10-2-402(4))

(9) The City shall exclude from the annexed area rural real property when the owner of the rural real property has not signed the petition for annexation or has not given written consent to include the rural real property under his or her ownership. (UT 10-2-408(2)(a))

D. Criteria for Evaluating Extension of City Services

(1) For the City to provide culinary water to the area proposed for annexation, an existing City water line must be located near enough to the proposed area that water service can be reasonably extended without exceeding the City's capacity to treat water. If no existing water line is available, the City will consider whether the proposed area is within the City's plan for expansion of the water system. If the proposed area is not within the City's plan for culinary water expansion, the City may deny the annexation request. (UT 10-2-401.5(3)(b)(ii))

(2) For the City to provide sewer service to the area proposed for annexation, an existing City sewer line must be located near enough to the proposed area that sewer service can be reasonably extended without exceeding the treatment plant capacity. If no existing sewer line is available, the City will consider whether the proposed area is within the City's plan for expansion of the sewer system. If the area is not within the City's plan for sewer system expansion or the proposed annexation would exceed treatment plant capacity, the City may deny the annexation request. (UT 10-2-401.5(3)(b)(ii))

(3) The proponent of the annexation proposal will work with the City's electrical provider if electrical service is needed within the area proposed for annexation. (UT 10-2-401.5(3)(b)(ii))

E. Consideration of Anticipated Consequences

(1) The City will include in its deliberations the projected population growth or loss in the City over the next 20 years. In conjunction with the City's general plan, the City will consider the need for land suitable for residential, commercial, and industrial development over the next 20 years. (UT 10-2-401.5(4)(b,d))

(2) The City will estimate the tax consequences to property owners of accepting the annexation proposal on (a) the residents within the current City boundary, and (b) residents within the area proposed for annexation. (10-2-405.1(3)(b)(v))

(3) The City will consider the current and projected costs of infrastructure, City services, and public facilities necessary for (a) full development of the area currently within the corporate boundary, and (b) expanding the infrastructure, services, and facilities into the area proposed for annexation. (UT 10-2-401.5(4)(c))

(4) If the area proposed for annexation includes land to be used for agricultural, wildlife management, or recreational purposes, the City will explain why it would allow these uses within the corporate boundary. (UT 10-2-401.5(4)(e))

E. Interests of Affected Entities

DRAFT City of Monticello Annexation Policy Plan

(1) The affected entities pertaining to annexation proposals are San Juan County, San Juan School District, San Juan Water Conservancy District, San Juan Transportation District, and any properties adjacent to or included within the annexation proposal.

(2) For each annexation proposal the petitioner shall file a notice of intent to file a petition with the city recorder and all affected entities. (UT 10-2-403(2)(a,b))

(3) For each annexation proposal San Juan County shall fulfill its role under UT 10-2-403(2)(b).

(4) Failure of either the petitioner or San Juan County to follow the requirements of UT 10-2-403 shall result in the City's refusal to accept a petition.

APPROVED by Monticello City Planning Commission and forwarded to the Monticello City Council this _____ day of _____, 2025.

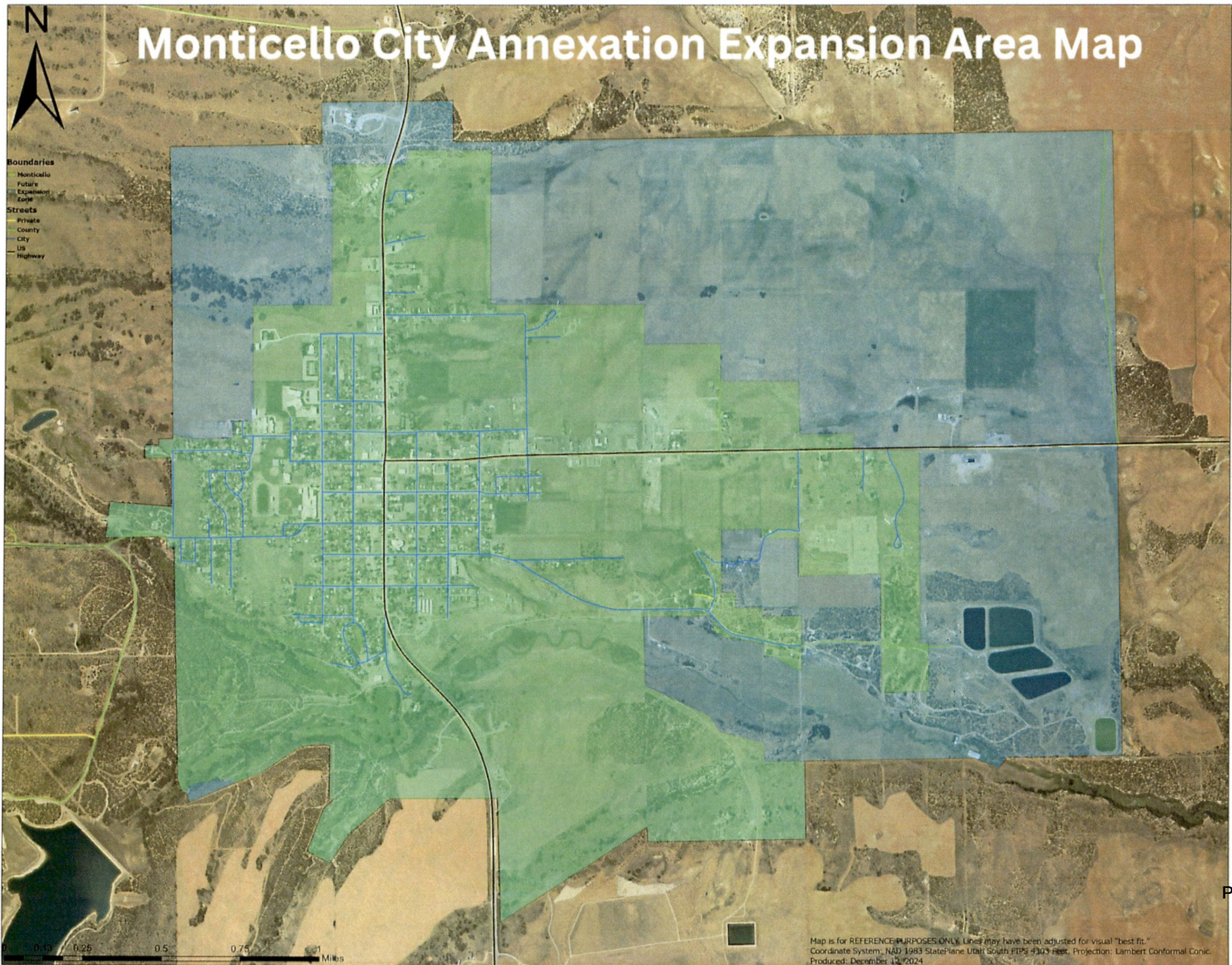
*, Chairperson

ADOPTED by Monticello City Council on this _____ day of _____, 2025,
with without modification.

*, Mayor

ATTEST:

*, City Recorder



April 24, 2025

Attn: Melissa Gill, Recorder, City of Monticello
Re: Proposed Annexation Policy Update

Four Corners School dba Canyon Country Discovery Center appreciates the opportunity to submit this written comment in regards to the proposed City of Monticello Annexation Policy Update. This organization looks forward to continuing our role as a community partner and employer in the City of Monticello as a future resident within city boundaries.

Our primary comments are as follows:

- We request that Four Corners School parcel located at 33S23E248400 be annexed into the city limits of Monticello. As indicated on the map in the blue shaded area and having current utility service provided by the City.
- We request that Four Corners School parcel located at 33S23E248401 be annexed into the city limits of Monticello. As indicated on the map in the brown shaded area and having current utility service.

Please let us know if there are any questions and please keep us updated on any further instructions as we plan to attend future meetings regarding this matter.

Sincerely,
Steve Simpson
Board President – Canyon Country Discovery Center



Re: Draft Annex letter (need to send today)

From Melissa Gill <melissa@monticelloutah.org>

Date Thu 4/24/2025 1:52 PM

To stevesimpson@frontiernet.net <stevesimpson@frontiernet.net>

Hi Joe,

I have received your letter requesting Parcels 33S23E248400 and 33S23E248401 be annexed into the City of Monticello. Currently we are in the process of updating the annexation process. Once the policy is complete you may formally request annexation into the City. At this point I will convey to the Planning Commission that you would like to expand the Future Annexation Area Map to include parcel number 33S23E248401. We will be having a public hearing June 3, 2025, at the Hideout Community Center, 648 S Hideout Way, Monticello UT at 6:30 pm. We look forward to seeing you there.

Thank you,

Melissa Gill, UCC

Monticello City Recorder

435-587-2271 ext 12

From: stevesimpson@frontiernet.net <stevesimpson@frontiernet.net>

Sent: Thursday, April 24, 2025 1:04 PM

To: Melissa Gill <melissa@monticelloutah.org>

Cc: Joe Neuhoof <joe@bearshearspartnership.org>; Joe Neuhoof <joeneuhoof@gmail.com>

Subject: Fw: Draft Annex letter (need to send today)

----- Forwarded Message -----

From: stevesimpson@frontiernet.net <stevesimpson@frontiernet.net>

To: Joe Neuhoof <joe@bearshearspartnership.org>

Sent: Thursday, April 24, 2025 at 12:03:31 PM PDT

Subject: Re: Draft Annex letter (need to send today)

Here you go.

Will you email to Monticello?

Steve

On Thursday, April 24, 2025 at 07:52:45 AM PDT, Joe Neuhoof <joe@bearshearspartnership.org> wrote:

Good morning-

Please let me know if you have comments or changes to the attached letter? At this stage I believe it can be super simple as our written comment but please get me your feedback by 2:00 so we can submit via email per the instructions.



Outlook

RE: :EXTERNAL: Re: Annexation

From Roring, Mike <MRoring@harsco.com>
Date Tue 4/15/2025 3:00 PM
To Melissa Gill <melissa@monticelloutah.org>

33S23E49000.
It is on the very far north end.
Out by Chris Halls and R.L.

From: Melissa Gill <melissa@monticelloutah.org>
Sent: Tuesday, April 15, 2025 2:58 PM
To: Roring, Mike <MRoring@harsco.com>
Subject: :EXTERNAL: Re: Annexation

CAUTION : This email originated from outside of the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mike,

I received your email requesting your property not be included in the proposed expansion map for Monticello. Please send me the parcel number of your property so I can locate it.

Thank you,

Melissa Gill, UCC

Monticello City Recorder

435-587-2271 ext 12

From: Roring, Mike <MRoring@harsco.com>
Sent: Tuesday, April 15, 2025 11:35 AM
To: Melissa Gill <melissa@monticelloutah.org>
Cc: Paul Sonderegger <sinc713@gmail.com>; Paul Macarthur <paul@mhmlawoffices.com>; Janie Lauritzen <janielauritzen@hotmail.com>
Subject: Annexation

4/15/2025

Melissa,

As I am unable to attend the public meeting tonight.

I request my property **not** be included in the currently proposed expansion of the city.

Mike Roring



Outlook

Annexation

From Bryan Bowring <bbowring@icloud.com>

Date Thu 5/1/2025 11:48 AM

To Melissa Gill <melissa@monticelloutah.org>

To whom it may concern:

I would like all my properties to be excluded from the upcoming potential annexation. Parcel # 33S24E317200, #33S24E326000 and also my residence (I don't have that parcel#). All lots and land that are in my name I would like off the considered annexation list. Thank you. Bryan and Sherrill Bowring

Sent from my iPhone

1216 E Clay Hill Dr
Parcel# 33S24E317204
Receiving Culinary water and garbage Services

Effective 5/1/2024

10-1-203 License fees and taxes -- Application information to be transmitted to the county assessor.

- (1) As used in this section:
- (a) "Business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.
 - (b) "Telecommunications provider" means the same as that term is defined in Section 10-1-402.
 - (c) "Telecommunications tax or fee" means the same as that term is defined in Section 10-1-402.
- (2) Except as provided in Subsections (3) through (5) and Subsection (7), the legislative body of a municipality may license for the purpose of regulation any business within the limits of the municipality, may regulate that business by ordinance, and may impose fees on businesses to recover the municipality's costs of regulation.
- (3)
- (a) The legislative body of a municipality may raise revenue by levying and collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee on an energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal Energy Sales and Use Tax Act.
 - (b)
 - (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined in Subsection 10-1-303(7), that is in effect on July 1, 1997, or a future franchise.
 - (ii) A franchise agreement as defined in Subsection 10-1-303(7) in effect on January 1, 1997, or a future franchise shall remain in full force and effect.
 - (c) A municipality that collects a contractual franchise fee pursuant to a franchise agreement as defined in Subsection 10-1-303(7) with an energy supplier that is in effect on July 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310(2).
 - (d)
 - (i) Subject to the requirements of Subsection (3)(d)(ii), a franchise agreement as defined in Subsection 10-1-303(7) between a municipality and an energy supplier may contain a provision that:
 - (A) requires the energy supplier by agreement to pay a contractual franchise fee that is otherwise prohibited under Part 3, Municipal Energy Sales and Use Tax Act; and
 - (B) imposes the contractual franchise fee on or after the day on which Part 3, Municipal Energy Sales and Use Tax Act is:
 - (I) repealed, invalidated, or the maximum allowable rate provided in Section 10-1-305 is reduced; and
 - (II) not superseded by a law imposing a substantially equivalent tax.
 - (ii) A municipality may not charge a contractual franchise fee under the provisions permitted by Subsection (3)(b)(i) unless the municipality charges an equal contractual franchise fee or a tax on all energy suppliers.
- (4)
- (a) Subject to Subsection (4)(b), beginning July 1, 2004, the legislative body of a municipality may raise revenue by levying and providing for the collection of a municipal telecommunications license tax as provided in Part 4, Municipal Telecommunications License Tax Act.
 - (b) A municipality may not levy or collect a telecommunications tax or fee on a telecommunications provider except as provided in Part 4, Municipal Telecommunications License Tax Act.

- (5)
- (a)
- (i) The legislative body of a municipality may by ordinance raise revenue by levying and collecting a license fee or tax on:
- (A) a parking service business in an amount that is less than or equal to:
- (I) \$1 per vehicle that parks at the parking service business; or
- (II) 2% of the gross receipts of the parking service business;
- (B) a public assembly or other related facility in an amount that is less than or equal to \$5 per ticket purchased from the public assembly or other related facility; and
- (C) subject to the limitations of Subsections (5)(c) and (d):
- (I) a business that causes disproportionate costs of municipal services; or
- (II) a purchaser from a business for which the municipality provides an enhanced level of municipal services.
- (ii) Nothing in this Subsection (5)(a) may be construed to authorize a municipality to levy or collect a license fee or tax on a public assembly or other related facility owned and operated by another political subdivision other than a community reinvestment agency without the written consent of the other political subdivision.
- (b) As used in this Subsection (5):
- (i) "Municipal services" includes:
- (A) public utilities; and
- (B) services for:
- (I) police;
- (II) fire;
- (III) storm water runoff;
- (IV) traffic control;
- (V) parking;
- (VI) transportation;
- (VII) beautification; or
- (VIII) snow removal.
- (ii) "Parking service business" means a business:
- (A) that primarily provides off-street parking services for a public facility that is wholly or partially funded by public money;
- (B) that provides parking for one or more vehicles; and
- (C) that charges a fee for parking.
- (iii) "Public assembly or other related facility" means an assembly facility that:
- (A) is wholly or partially funded by public money;
- (B) is operated by a business; and
- (C) requires a person attending an event at the assembly facility to purchase a ticket.
- (c)
- (i) Before the legislative body of a municipality imposes a license fee on a business that causes disproportionate costs of municipal services under Subsection (5)(a)(i)(C)(I), the legislative body of the municipality shall adopt an ordinance defining for purposes of the tax under Subsection (5)(a)(i)(C)(I):
- (A) the costs that constitute disproportionate costs; and
- (B) the amounts that are reasonably related to the costs of the municipal services provided by the municipality.
- (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to the costs of the municipal services provided by the municipality.

- (d)
 - (i) Before the legislative body of a municipality imposes a license fee on a purchaser from a business for which it provides an enhanced level of municipal services under Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):
 - (A) the level of municipal services that constitutes the basic level of municipal services in the municipality; and
 - (B) the amounts that are reasonably related to the costs of providing an enhanced level of municipal services in the municipality.
 - (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to the costs of providing an enhanced level of the municipal services.
- (6) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.
- (7)
 - (a) As used in this Subsection (7):
 - (i)
 - (A) "Event requirement" means a requirement a municipality imposes on individuals who participate in a municipal event.
 - (B) "Event requirement" does not include a requirement that is inconsistent with Subsection (7)(b).
 - (ii) "Exempt individual" means an individual who, under Subsection (7)(b), may not be required to have a business license or permit.
 - (iii) "Municipal event" means an event hosted or sponsored by a municipality.
 - (b) A municipality may not require a license or permit for a business that is operated:
 - (i) only occasionally; and
 - (ii) by an individual who is under 19 years old.
 - (c) Subsection (7)(b) does not prevent a municipality from imposing an event requirement on an exempt individual who participates in a municipal event.
- (8) A municipality may not:
 - (a) charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone;
 - (b) require, as a condition of obtaining or maintaining a license or permit for a business:
 - (i) that an employee or agent of a business complete education, continuing education, or training that is in addition to requirements under state law or state licensing requirements; or
 - (ii) that a business disclose financial information, inventory amounts, or proprietary business information, except as specifically authorized under state or federal law.
- (9)
 - (a) Notwithstanding Subsection (8)(a), a municipality may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection (8)(a) but who requests a license from the municipality.
 - (b) A municipality shall notify the owner of each home-based business of the exemption described in Subsection (8)(a) in any communication with the owner.
- (10) The municipality shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.
- (11) If challenged in court, an ordinance enacted by a municipality before January 1, 1994, imposing a business license fee on rental dwellings under this section shall be upheld unless the business license fee is found to impose an unreasonable burden on the fee payer.

Amended by Chapter 419, 2024 General Session
Amended by Chapter 423, 2024 General Session

Utah – What Home Based Businesses Require State Licensing, and, maybe, Educational Licensing?

(AI Generated Overview)

In Utah, home-based businesses may require state licensing depending on the type of business and local regulations. Some common examples include: Food services (including microenterprise and cottage food establishments), daycare/preschool, barbering/cosmetology, and some other professional or occupational licenses. Businesses selling food under the Microenterprise Home Kitchen Act (see link below) require a health permit, while cottage food establishments require a permit from the Utah Department of Agriculture.

Greater Salt Lake Municipal Services District (see link below) provides a more detailed list of what is and is not permitted for home-based businesses

Food Services:

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Businesses selling foods under the Microenterprise Home Kitchen Act or Cottage Food Establishments require specific permits from the appropriate authorities.

Daycare/Preschool:

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Home daycare and preschools often require specific licensing and permits from the state.

Barbering/Cosmetology:

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Cosmetologists and barbers typically require state licensing and may need to obtain additional permits for home-based operations.

Professional/Occupational Licenses:

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A wide range of professions and occupations require state licensing, including but not limited to real estate brokers, massage therapists, nail technicians, and more. Utah's Division of Occupational and Professional Licensing (DOPL) oversees these licenses and can provide a comprehensive list.

Other Home-Based Businesses:

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Some home-based businesses may also require local permits or licenses, such as those related to rental properties, mobile home parks, or businesses involving certain activities (e.g., storage or sale of hazardous materials).

It's crucial to check with the Utah Department of Commerce and the local city or county government to determine the specific licensing requirements for your specific business and location.

Links:

Department of Commerce:

<https://corporations.utah.gov/wp-content/uploads/2021/09/buslicguide.pdf>

We advise all businesses operating in Utah to be registered with the Department of Commerce and licensed with a city or county in the state. The following information explains the benefits of registration and licensing and why and how a business should register and receive a license.

State Registrations

Who Should Register Their Business?

All businesses in Utah are recommended to register with the Utah Department of Commerce either as a "DBA" (Doing Business As), corporation, limited liability company or limited partnership. Businesses should also obtain a business license from the city or county in which they are located.

Why Are Businesses Registered?

For transparency we recommend registration. This helps to create a comprehensive state registry of all business and corporate information that is available for public reference. This information is vital to an orderly legal system and marketplace. Without it, the public or other businesses may have no way of knowing the persons with whom they are doing business.

Where Do You Register Your Business Name?

You can register your business by contacting:

DEPARTMENT OF COMMERCE, Division of Corporations & Commercial Code

Mail In:

PO Box 146705

Salt Lake City, Utah 84114-6705

Walk In:

160 East 300 South, Main Floor

Service Center: (801) 530-4849 Toll Free

Fax: (801) 530-6438

Web Site: <https://corporations.utah.gov>

City and County Business Licenses

Who Should License Their Business?

All businesses should license with the local municipality in which they are doing business. General standards exist for licensure, but each city and county also have unique requirements and procedures. It is best to contact your city or county office to know the exact standards that are set for licensing.

Why Are Municipal Business Licenses Required?

Local licensure ensures that businesses are safe to the public and given the protections under the law to which a licensed business is entitled. A business may be visited or inspected and required to fulfill local zoning, building and parking requirements before receiving a license. This ensures employee and public health, safety and welfare.

Greater Salt Lake Municipal Services District:

<https://msd.utah.gov/251/Home-Business>

Home Business

A Home Business is any business activity, other than those listed below, which is conducted entirely within a dwelling or attached garage and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes.

Not Allowed

The following uses are not allowed as a Home Business:

- Motor vehicle, trailer, or boat repair.
- Junkyards
- Towing operations
- Welding, iron works, foundries
- Vehicle sales or rentals
- Auto body and/or fender work
- Short-term Rentals (another application is required)
- Mortuaries or crematoriums
- Major appliance repair (washers, dryers, refrigerators.
- Any use involving the storage or sale of flammable, explosive, or hazardous materials.
- Lawnmower or small engine repair
- Home Daycare
- Home Preschool
- Any use involving raising, breeding, training, housing, and boarding animals.

Exemptions

The following activities are exempted from regulation under this chapter:

Garage or yard sales provided the sale is held for not more than three consecutive days, and no more than two times per year at the same location, and no consignment goods are offered for sale.

Temporary social gathering sales that do not exceed one day, such as candle parties, book parties, etc. not to exceed four occurrences per year.

Per Utah Code 17-53-216(4)(b) the legislative body of a county may charge a license fee for a home-based business unless the combined off-site impact of the home-based business and the primary residential use materially exceeds the off-site impact of the primary residential use alone. (Utah Code 17-53-216 (4)(b))

If you are seeking exemption from business license fees under Utah Code 17-53-216(4)(b) please notify our office in writing and explain how your business meets the exemption requirements. Utah Code 10-1-203(7)(b)

Manufacturers

Leasing Companies

Consumers such as professional firms and construction contractors.

Microenterprise Home Kitchen Act:

<https://le.utah.gov/xcode/Title26B/Chapter7/26B-7-S416.html>

PDF: https://le.utah.gov/xcode/Title26B/Chapter7/C26B-7-S416_2023050320230503.pdf