



HIGHLAND PLANNING COMMISSION MINUTES


TUESDAY, APRIL 22, 2025

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

Approved May 27, 2025

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: planningcommission@highlandcity.org

7:02 PM REGULAR SESSION

Call to Order: Chair Chris Howden

Invocation: Commissioner Chris Howden

Pledge of Allegiance: Commissioner Debrah Maughan

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 Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Maughan.

PRESIDING: Commissioner Chris Howden

COMMISSIONERS

PRESENT: Jerry Abbott, Tracy Hill, Claude Jones, Audry Moore, Debra Maughan, Trent Thayn

CITY STAFF PRESENT: Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Coordinator Rob Patterson, Deputy Recorder Heather White

OTHERS PRESENT: Jon Hart, Elizabeth Rice

1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

Resident Liz Rice said the Mayor recently asked why Canal Boulevard was so wide. She wanted to pass the information on to the planning commission. When she served on the planning commission Canal Boulevard was meant to be a collector road with no driveways permitted. 1100 North in American Fork was also meant to connect to the interstate. Ms. Rice asked that surrounding neighbors be notified of all new trails. Speaking specifically about the trail at 9600 North, she thought people would park on 9600 North to access the trail and voiced concern about traffic. Ms. Rice spoke about neighborhoods getting a lot of solicitors and voiced concern with people casing

neighborhoods.

Commissioner Jones arrived at 7:05 PM.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion. Items on the consent agenda may be pulled for separate consideration.

a. Approval of Meeting Minutes – March 25, 2025 *Heather White, Deputy City Recorder*

Commissioner Thayn MOVED to approve the minutes from the March 25, 2025 meeting. Commissioner Moore SECONDED the motion. All present were in favor. The motion carried unanimously.

3. ACTION ITEMS

a. PUBLIC HEARING/ORDINANCE: Property Boundary Adjustment Regulations (SB 104) – *Land Use (Legislative)*

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commissioner will consider the proposed text amendments related to the procedures for adjusting property boundaries and combining properties.

He explained there were three new processes for boundary adjustment regulations; simple boundary adjustments, plat amendments, and full boundary adjustments. He spoke about each process.

Commissioner Howden opened the public hearing at 7:15 PM and asked for public comment. Hearing none, he closed the public hearing at 7:15 PM. The planning commission discussed examples of when a particular process would be applied.

Commissioner Thayn MOVED that the Planning Commission recommend approval of the proposed amendments related to boundary adjustments.

Commissioner Maughan SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</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 Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Absent</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Absent</i>

The motion carried 7:0

b. PUBLIC HEARING/ORDINANCE: Adoption of Fire Code Appendices (HB368) - *Land Use*

(Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commissioner will consider the proposed text amendment to adopt all appendices of the state fire code.

Mr. Patterson explained that HB 368 was a lengthy bill that modified many aspects of land use and development. It included the following statement: “a municipality may adopt and enforce any appendix of the international fire code, 2021 edition.” Because of the wording, there was a question of whether or not the appendices were automatically adopted. After speaking with the city fire chief, staff was encouraged to adopt all appendices.

Commissioner Moore asked about grandfathered codes. Mr. Patterson explained that if something was built according to code at the time, it was grandfathered in. If it was touched or changed in any way it would be evaluated and approved according to current code. She asked how it would apply to in-home businesses. Mr. Patterson did not think it would apply to very many if they were already approved.

Mr. Patterson mentioned that the proposed amendment was only to adopt the 2021 appendices, and not the whole 2021 fire code.

Commissioner Howden opened the public hearing at 7:26 PM and asked for public comment. Hearing none, he closed the public hearing at 7:26 PM.

Commissioner Maughan moved that the Planning Commission recommend approval of the proposed amendments related to the adoption of fire code appendices.

Commissioner Hill SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</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 Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Absent</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Absent</i>

The motion carried 7:0

c. PUBLIC HEARING/ORDINANCE: Procedures for Classification and Approval of New Business Uses (SB179) - Land Use (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commissioner will consider the proposed text amendment to create city-wide procedures to review new and unlisted business uses within non-residential zones.

Mr. Patterson said that Highland already had the processes in place that the state was now requiring. He said it only applied to non-residential zones. He reviewed the criteria to determine compatibility of uses within non-residential zones.

Commissioner Howden opened the public hearing at 7:31 PM and asked for public comment.

Ms. Rice asked if check-cashing places, tattoo parlors, etc. were still prohibited. Mr. Patterson explained that everything in the code would stay in place.

Commissioner Howden closed the public hearing at 7:32 PM and called for a motion.

Commissioner Hill MOVED that the Planning Commission recommend approval of the proposed amendments related to classification of business uses.

Commissioner Maughan SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</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 Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Absent</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Absent</i>

The motion carried 7:0

d. PUBLIC HEARING/ORDINANCE: Land Use Regulation Updates per HB 368 - Land Use
(Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commissioner will consider the proposed text amendments to reflect and incorporate changes to land use development procedures as required by HB 368.

Mr. Patterson explained that HB 368 modified many aspects of land use and development. He said many things would be implemented by default without the need to amend city code. He talked about ways to notify the general public of land use changes. Commissioner Moore suggested adding information in the city newsletter specifically to inform new homeowners.

Mr. Patterson said there were three areas where staff recommended updating city code: appeal hearings, annexation procedures, and subdivision bonding requirements. He explained that public hearings should not be held for variances or land use appeals, although it was still a public meeting. The appeals should not involve the city council nor planning commission.

Mr. Patterson proposed that the city simply follow state law regarding annexation procedures because of the frequency of changes made by the state. He recommended retaining the criteria by which annexation procedures were evaluated.

Mr. Patterson explained that HB 368 significantly changed bonding for subdivision improvements. The bonds would now be categorized under one of seven infrastructure categories for improvement. A land use authority was now required for bond issues. He reviewed the changes to bonding requirements and said it would require more tracking for staff.

Commissioner Howden opened the public hearing at 7:51 PM and asked for public comment.

Ms. Rice thought the State took power away from cities by passing HB 368. She had concerns about having to open so many accounts. She wondered if cities would need to increase administrative fees. She wondered if a larger city tried to challenge the last three bills. Mr. Patterson said they had, but cities were limited. Sometimes municipalities worked with the legislature to find a middle ground.

Commissioner Howden closed the public hearing at 7:54 PM and called for a motion.

Commissioner Abbott MOVED that the Planning Commission recommend approval of the proposed amendments related to annexation, bonding hearings and other land use matters with the additional amendment recommended by staff.

Commissioner Hill SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</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 Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Absent</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Absent</i>

The motion carried 7:0

4. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

ADJOURNMENT

Commissioner Maughan MOVED to adjourn the meeting. Commissioner Jones SECONDED the motion. All were in favor. The motion carried.

The meeting ended at 8:02 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on April 22, 2025. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

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SB 104

- Boundary establishment
 - Previously boundary line agreements
 - Used to establish/settle uncertain property lines
 - Not subject to city review, not part of city code
- Simple boundary adjustments
 - Previous parcel boundary adjustments, lot combinations, and some lot line adjustments
 - Adjustments to property that do not create new lots or affect ROWs, easements, public property, wastewater, or lot restrictions
 - No plat amendment, only requires city consent, conveyance document, and description of affected properties
- Full boundary adjustment
 - All other types of property adjustments that do not create new lots
 - Requires plat amendment, survey, and city approval

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Proposed Amendments

- Removes many definitions and other language that duplicate state law and instead points to state law
- Adopts or updates boundary adjustment procedures to match state law
- Establishes land use authority for all procedures
 - Simple boundary adjustment – staff
 - Plat amendment – council
 - Full boundary adjustment (after plat amendment) – staff
- Keeps effect of approved lot combinations

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Staff Review and Recommendation

- Staff drafted amendments to comply with state law
- Notice of public hearing was published April 10, no comments received.
- Staff recommends the Planning Commission hold a public hearing and recommend approval

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Proposed Motion

- I move that the Planning Commission recommend APPROVAL of the proposed amendments related to boundary adjustments.
 - Commission may make different/additional recommendations

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FIRE CODE APPENDICES
Land Use (Legislative)

Item 3b. – Public Hearing/Action Item
Presented by – Rob Patterson
City Attorney, Planning & Zoning Administrator

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Background

- State adopts international fire code and requires all local governments to follow and enforce same code
- City staff have always assumed that the state's adoption of the international fire code included the international fire code appendices

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HB 368

- HB 368 is a lengthy bill modifying many aspects of land use and development
- Includes lines 4323-4324 "A municipality may adopt and enforce any appendix of the International Fire Code, 2021 edition."
 - Appendices provide specific regulations on specific uses
 - Appendix D – access requirements and standards
- This strongly suggests that the appendices are not automatically adopted by the state, and a city cannot enforce them unless specifically adopted

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Proposed Amendments

- Amends municipal and development code to specifically adopt and require compliance with all appendices to current and future state-adopted fire codes
- Fire chief, fire marshal, and building official recommended adoption
- If appendices are adopted only at a city level, then city can address specific situations in the future. Adoption of appendices establishes baseline

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Staff Review and Recommendation

- Staff drafted amendments to comply with state law
- Notice of public hearing was published April 10, no comments received.
- Staff recommends the Planning Commission hold a public hearing and recommend approval

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Proposed Motion

- I move that the Planning Commission recommend APPROVAL of the proposed amendments related to the adoption of fire code appendices.
 - Commission may make different/additional recommendations

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**CLASSIFICATION AND APPROVAL OF
NEW BUSINESS USES**
Land Use (Legislative)

Item 3c. – Public Hearing/Action Item
Presented by – Rob Patterson
City Attorney, Planning & Zoning Administrator

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Background

- In two commercial zones (Residential Professional and Professional Office), city has a process to approve new business uses that are not specifically listed in the list of allowable uses
 - "In the P.O. Zone, any use not expressly listed as a conditional use shall be evaluated by the conditional use Land Use Authority to determine if said use
 - Is consistent with the intended use of the zone; and
 - Is compatible with other listed uses; and
 - Is compatible with the uses of adjacent properties."

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SB 179

- Requires municipalities:
 - To “incorporate into the municipality’s land use ordinances a process for reviewing and approving a new or unlisted business use and designating an appropriate zone or zones for an approved use”
 - To “amend each land use ordinance that contains a list of approved or prohibited business uses to include a reference to the process for petitioning to approve a new or unlisted business use”
- Requires two procedures for zones with business uses (not residential zones): one to classify a use as new or existing, and one to potentially approve a new use

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Examples

- Classification
 - Business license request for “health and wellness spa”
 - C-1 zone permits “personal services such as barber, beauty shops, [and] tanning salons,” and “medical offices.”
 - Approved as aligning with existing allowed uses
- New Use
 - Zaana Jewelry – jewelry consulting, design, and sales
 - PO Zone prohibits retail but permits professional offices
 - Approved as new use, with condition that store not have showroom or allow general retail

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Proposed Amendments

- Provide procedures to classify a use as new or existing
 - Staff review (as currently done)
 - If use cannot be classified as an existing use, then the use is not permitted unless approved as a new use
- Provide procedures to review a new use for potential approval within a zone
 - Requires review by council (required by state law)
 - Applicant can appeal decision as administrative act
- Amends all commercial zones to reference procedures

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Proposed Amendments

- Staff-proposed criteria to classify or approve use (any others?)
 - Compatibility of the proposed business use with the plain language of zoning regulations related to existing land uses, including restrictions or limitations on existing uses and relevant definitions;
 - Compatibility of the proposed business use with the intent and purpose of the potential zones;
 - Compatibility of the proposed business use with the General Plan;
 - Compatibility of the proposed business use with the uses of adjacent properties within potential zones;
 - The nature, scope, and impact of the proposed business use compared to existing or allowed uses;
 - Whether the proposed business use is expressly permitted in another zone; and
 - Whether the proposed business use or a similar or aligned use is expressly prohibited by applicable land use regulations.

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Staff Review and Recommendation

- Staff drafted amendments to comply with state law
- Notice of public hearing was published April 10, no comments received.
- Staff recommends the Planning Commission hold a public hearing and recommend approval

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Proposed Motion

- I move that the Planning Commission recommend APPROVAL of the proposed amendments related to classification of business uses.
 - Commission may make different/additional recommendations

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LAND USE REGULATION UPDATE

Land Use (Legislative)

Item 3d. – Public Hearing/Action Item
Presented by – Rob Patterson
City Attorney, Planning & Zoning Administrator

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HB 368

- HB 368 is a lengthy bill modifying many aspects of land use and development
- Many things will be implemented by default without need to amend city code (e.g., building permits, notice changes)
- Three areas where staff recommends updating City Code
 - Appeal hearings
 - Annexation procedures
 - Subdivision bonding

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HB 368 – No Appeal Hearings

- HB 368 prohibits an appeal authority from conducting a public hearing on a variance or land use appeal
- Appeal authority proceedings will still be public meetings, but public cannot participate as hearing
- Does not affect public hearings to review land use applications or amend/adopt code
- Proposed amendments remove references to hearings within appeal authority procedures

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HB 368 – Annexation Procedures

- HB 368 amends aspects of annexation procedures (policy plan requirements, boundary commission procedures, calculating value of property, annexation timelines, clarify who is responsible to act)
- Proposed amendments remove procedures in city code related to annexations and instead point to state law
- Retained in city code the criteria by which annexations are evaluated and statements that annexations are legislative and may be approved/denied/conditionally approved based upon the discretion of the council

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HB 368 – Subdivision Bonding

- HB 368 significantly changes bonding for subdivision improvements
- Background information: Final Plat Approved
 - Complete all improvements, provide a warranty bond to ensure improvements remain in good condition for 1 year, and record final plat and sell lots
 - Provide completion bond covering 100% cost of all public improvements (plus 10% admin), record final plat and sell lots

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HB 368 – Subdivision Bonding

- Requires a land use authority for bonding issues
 - city engineer/public works director
- Completion bond must be allocated between 7 infrastructure improvement categories:
 - Culinary; sewer; storm water; transportation; PI; landscaping; public parks, trails, and open space
 - Partial and complete releases of completion bond is now done by category, rather than based on overall completion of improvements

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HB 368 – Subdivision Bonding

- 15 days to complete inspections for completed infrastructure or warranty work (winter and exceptional circumstances exceptions)
- 15 days to provide bases for any rejection
 - If not timely process, new process for applicant to request explanation, and if City does not, City must refund 20% of applicable bond
 - Refund is by infrastructure category – proposed amendments need to be updated
- 15 days to release funds after request

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HB 368 – Subdivision Bonding

- Completion bond is now released down to 90%
 - HB 368 is unclear on whether remaining 10% is the warranty bond or if a separate warranty bond can still be required
 - Proposed amendments state that 10% will be kept unless a separate 10% warranty bond is provided
- Warranty bond cannot be required until warranty (previously required upfront with completion bond)
- Administrative fee not released until after warranty
- Cash bonds must accrue interest and must be paid to developer (potentially changing allowed forms)

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Proposed Amendments and Future

- Current amendments address HB 368
- Staff will be reviewing our current bonding procedures:
 - Better process/enforcement of timeline for bonds and foreclosure
 - Whether to keep cash bonds or require a different form
 - Limitations on “punch-list” duration

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Staff Review and Recommendation

- Staff drafted amendments to comply with state law
- Notice of public hearing was published April 10, no comments received.
- Staff recommends the Planning Commission hold a public hearing and recommend approval

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Proposed Motion

- I move that the Planning Commission recommend APPROVAL of the proposed amendments related annexation, bonding, hearings, and other land use matters with the additional amendment recommended by staff:
 - 6-106(2)(d) – “...reimburse the applicant 20% of the performance guarantee or warranty assurance for the infrastructure improvement category, as applicable.”
 - Commission may make different/additional recommendations

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PLANNING COMMISSION AND
STAFF COMMUNICATION ITEMS

a. General Plan Update – Land Use Element May 13, 2025

b. Future Meetings

- April 24, DAB – Vista Ridge, 3:00 PM, City Hall
- May 6, City Council, **6:00 PM**, City Hall
- May 13, Council/Commission General Plan Meeting, **6:00 PM**, City Hall
- May 14, City Open House, 5-8 PM, Highland Family Park
- May 20, City Council, **6:00 PM**, City Hall
- May 27, Planning Commission, 7:00 PM, City Hall

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