



HIGHLAND PLANNING COMMISSION AGENDA

TUESDAY, APRIL 22, 2025

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

VIRTUAL PARTICIPATION



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



Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order: Chair Christopher Howden

Invocation: Chair Christopher Howden

Pledge of Allegiance: Commissioner Debra Maughan

1. UNSCHEDULED PUBLIC APPEARANCES

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

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*

3. ACTION ITEMS

- a. **PUBLIC HEARING/ORDINANCE: Property Boundary Adjustment Regulations (SB104)** *Land Use (Legislative)*
Rob Patterson, City Attorney/Planning & Zoning Administrator
The Planning Commission will consider proposed text amendments related to the procedures for adjusting property boundaries and combining properties.
- b. **PUBLIC HEARING/ORDINANCE: Adoption of Fire Code Appendices (HB368)** *Land Use (Legislative)*
Rob Patterson, City Attorney/Planning & Zoning Administrator
The Planning Commission will consider a proposed text amendment to adopt all appendices of the state fire code.
- 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 Commission will consider a proposed text amendment to create city-wide procedures to review new and unlisted business uses within non-residential zones.
- d. **PUBLIC HEARING/ORDINANCE: Land Use Regulation Updates per HB 368** *Land Use (Legislative)*
Rob Patterson, City Attorney/Planning & Zoning Administrator

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

4. COMMUNICATION ITEMS

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

ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

ELECTRONIC PARTICIPATION

Members of the Planning Commission may participate electronically during this meeting.

CERTIFICATE OF POSTING

I, Rob Patterson, City Attorney/Planning & Zoning Administrator, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website (www.highlandcity.org).

Please note the order of agenda items are subject to change in order to accommodate the needs of the Planning Commission, staff and the public.

Posted and dated this agenda on the 17 day of April, 2025
& Zoning Administrator

Rob Patterson, City Attorney/Planning

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.
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HIGHLAND PLANNING COMMISSION MINUTES

TUESDAY, MARCH 25, 2025

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

Awaiting Formal Approval

VIRTUAL PARTICIPATION

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

Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order: Vice Chair Trent Thayn

Invocation: Commissioner Jerry Abbott

Pledge of Allegiance: Commissioner Claude Jones

The meeting was called to order by Commissioner Trent Thayn 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 Abbott and those in attendance were led in the Pledge of Allegiance by Commissioner Jones.

PRESIDING: Commissioner Trent Thayn

COMMISSIONERS

PRESENT: Jerry Abbott, Claude Jones, Sherry Kramer, Audry Moore

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, Traci and David Barnes, Manuel Bueno, Jan Eyring, Doug Courtney

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

2. PRESENTATION

- a. **Open and Public Meetings Act Training** Rob Patterson, City Attorney/Planning & Zoning Administrator

Mr. Patterson reviewed the Open and Public Meetings Act. He talked about taking actions and conducting deliberations openly. He reviewed the definition of a meeting and explained that group text messages were not considered to be a meeting.

3. 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 – February 25, 2025** *Heather White, Deputy City Recorder*

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

4. ACTION ITEMS

a. **ORDINANCE: PO Zone Text Amendment – Land Use (Legislative)**

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commission will consider the proposed text amendment for the PO Zone and the proposed architectural theme exhibit.

Mr. Patterson reviewed the location of the PO Zones within the city and explained that the council asked the commission to revisit the proposed text amendment that was addressed at the last planning commission meeting. He reviewed the history of the PO Zone for Patterson Homes property, including site plans that were previously rejected. He said Patterson Homes was trying to consolidate previous changes with the proposed amendment, but maybe not how Highland wanted it to be changed. He reviewed what was proposed and showed pictures of building types that would be permitted. He mentioned that staff had not spent time rewriting the proposed code amendment because the city allowed anyone to submit text amendments. He said that staff had not pushed the amendment because it was a suggested change from a property owner.

The planning commission spoke about the history with Patterson Homes and concerns that they did not keep to the original master plan. They talked about how a PO Zone amendment would affect other PO Zone areas not owned by Patterson Homes. They agreed that any amendments to the PO Zone should be written for all areas. The commissioners talked about building heights and methods for measuring.

Commissioner Thayn asked for comment from the public.

Resident Liz Rice said she liked Patterson Homes, but had concerns that they would tear down buildings A and B and make them really high. She said high-rise buildings near homes would reduce home values. She liked the buildings currently on Patterson Homes' property. Ms. Rice thought 35 feet was quite high and was concerned that the buildings might look really commercial.

Resident Traci Barnes said she would be looking at Patterson Homes commercial building 3 from her house. She was told that it would be one story and look like a home. She said those details were agreed upon in 2003 and then again in 2011. Her neighbor would be looking at building 3 from his front window. She talked about building heights and preferred that they were measured from the street. She mentioned that Patterson Homes had not done the island landscaping at all. She asked that the city define what kind of landscaping needed to be done and hold the developer to it.

Resident David Barnes said they bought their home with the understanding that the commercial buildings would

be one story and look like homes. He said if building height was not measured from street level the building height could be very tall and affect the value of their home. He asked the city to maintain the requirement of home-looking commercial buildings.

Resident Manuel Bueno voiced concern that Patterson Homes agreed to certain development standards but now wanted to change them. He thought building 3 on the east side should remain a one-story building. He talked about other buildings on Patterson Homes property and thought that commercial buildings were supposed to be residential in nature. He asked that building height be measured from the street. He encouraged the city to have public input and a hearing if a master plan amendment was submitted.

Resident Jan Eyring said she complained to the city in 2019 about plans from Patterson Homes. She said the plans did not have the traditional feel and lacked landscaping. She hoped that Patterson Homes would go back to the original plans. She said the two-story building was an eyesore that did not fit in. She hoped that building height would be measured from the street. She thought both sides of the street should look the same whether it be residential homes or commercial buildings.

Council Member Doug Courtney thanked the commissioners for revisiting the PO Zone amendment. He said the council appreciated the work the planning commission did and that they needed clarification on certain details.

The commissioners continued to discuss. They agreed that the PO Zone amendment should be city-led as a stand-alone code. They agreed that the master plan for the Patterson Homes property should stay in place. They talked about other PO Zone areas being limited to one story. Commissioner Abbott pointed out that current architectural guidelines stipulated the consideration of surrounding architecture. The commissioners agreed to use the 35-foot maximum height requirement that already existed. They talked about building height measurements of commercial zones and measurement options. Mr. Patterson explained that the current code was unclear on how to measure. All agreed that they preferred to have recommendations from staff instead of from a developer. They asked that the amendment be written in a way that would keep existing restrictions for building 3 but could also be applied to all PO Zone areas. They asked for the code to have some kind of revision control. Speaking to those in attendance, Commissioner Sherry Kramer talked about the meeting she attended in 2019. She said the city was interested in residents' comments regarding the Patterson Homes property. She thought homes in the area were timeless. She preferred that building height be measured from curb rather than parking lot.

Ms. Barnes mentioned that buildings 4 and 6 were included in the original Patterson Homes plan and asked that the originally approved plan remain in place with the residential feel of the buildings. Commissioner Abbott pointed out that it was property owners' rights to ask for changes. He said they did not have to be approved by the city, but the property owner could ask.

Commissioner Abbott MOVED that the Planning Commission continue the business item to the next planning commission meeting with the direction for staff to look at the PO Zone and uncouple the existing Patterson Homes master plan including exhibits, landscaping, etc., to stand alone and remain in place so that changes be a process of legislative matter, then to have staff look at the PO Zone with suggestions as discussed and write a draft for a stand-alone PO Zone, and that it be given to commissioners one week before the next meeting.

Commissioner Kramer SECONDED the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Absent
Commissioner Claude Jones	Yes
Commissioner Debra Maughan	Absent

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

The motion carried 5:0

5. COMMUNICATION ITEMS

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

- a. Planning Commission Policies and Handbook *Jay Baughman, Assistant City Administrator/Community Development Director*

Mr. Baughman mentioned that he and Mr. Patterson were developing a Policies and Handbook for new members of the planning commission. He said it would also include ethics training.

- b. General Plan Update *Jay Baughman, Assistant City Administrator/Community Development Director*

Mr. Baughman mentioned that the commissioners could participate in a scheduled outing in preparation for the upcoming general plan review. He said it was not organized by staff and encouraged commissioners to reach out to the mayor.

ADJOURNMENT

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

The meeting ended at 8:26 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 25, 2025. The document constitutes the official minutes for the Highland City Planning Commission Meeting.



PLANNING COMMISSION AGENDA REPORT ITEM #3a

DATE: April 22, 2025
TO: Planning Commission
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Property Boundary Adjustment Regulations (SB104)
TYPE: Land Use (Legislative)

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the proposed amendments, hold a public hearing, and recommend APPROVAL of the proposed amendments.

PRIOR REVIEW:

These specific amendments have not been reviewed previously. The Commission recently considered amendments to the City's regulations for lot or parcel combinations due to a conflict between the city's process and the county's recording procedures. It appears that the state legislation may resolve this conflict.

BACKGROUND & SUMMARY OF REQUEST:

In the 2025 state legislative session, the legislature adopted SB 104. [Link to bill here](#). This bill revises the state laws regarding boundary line adjustments, lot line adjustments, and lot combinations that were adopted in 2021. Staff believes that this bill may help resolve the conflict the city has had with the County regarding consolidating lots and combining lots with open space parcels.

SB 104 removes the previous regulations and classification of property adjustments that were known as parcel boundary adjustments, lot line adjustments, and lot combinations. Now, per SB 104, adjustments to property boundaries are either "simple boundary adjustments" or "full boundary adjustments." There are also no longer any distinctions between boundary adjustments based on whether the property is a lot (subdivided property) or a parcel (property of record not part of a subdivision).

- Simple boundary adjustments: any adjustment of property boundaries that does not create new lots, affect public rights of way, municipal utility easements, public property, other existing easements, onsite wastewater systems, or internal lot restrictions. Simple boundary adjustments are "simple" adjustments to boundary lines that include exchanging property between property owners or combining properties. Simple boundary adjustments do not require a plat amendment and will be approved by staff so long as there is no violation of city zoning and land use regulations.
- Full boundary adjustment: everything that is not a simple boundary adjustment. All full boundary

adjustments require a subdivision plat amendment and survey of property. The process for a plat amendment has been modified somewhat to provide a longer objection period from adjacent property owners, but otherwise remains the same process as currently in place.

SB 104 also establishes that a "boundary establishment" does not require municipal approval. A boundary establishment is a recorded document that clarifies and establishes a disputed or uncertain boundary line between property owners. The City did not typically review these types of documents prior to SB 104.

Staff has proposed amendments to the City's development code to reflect the changes to state law imposed by SB 104. This will hopefully simplify the process for simple boundary adjustments and clarify that simple boundary adjustments--including lot combinations--are to be accepted by the county when approved by the city. As part of the proposed amendments, staff has retained language referring to previously approved lot and parcel combinations, so to ensure that Highland residents that opted for a lot or parcel combination under prior law are not required by the city to re-do their combination. However, those residents could, if they chose, proceed under the new "simple boundary adjustment" process to combine their properties in order to have the county recognize their combination.

STAFF REVIEW & PROPOSED FINDINGS:

Staff has prepared the proposed text amendments in order to comply with SB 104. Notice of the proposed amendments and public hearing were published on April 10, 2025. As of the writing of this report, no comments or objections have been received.

Proposed Findings:

1. The proposed amendments incorporate and reflect the boundary adjustment procedures set forth in SB 104.

MOTION:

I move that the Planning Commission recommend APPROVAL of the proposed amendments related to boundary adjustments. [Commission may specify additional or different amendments to be adopted]

ATTACHMENTS:

1. Proposed Text Amendment Related to SB 104

**Proposed Text Amendment Related to SB 104 (2025) Amending Chapter 5,
Article 7 Adjusting Property Boundaries; Amending a Recorded Plat and
Related Sections**

Table 2-704A

Property Adjustments	[Review]	[Recommend]	[LUA]	[Appeal]
Lot or Parcel Combination <u>Simple Boundary Adjustment</u>	DRC	—	ZA	CCAA
Parcel Boundary Adjustment <u>Full Boundary Adjustment</u>	DRC	—	ZA	CCAA
Plat Amendment, Lot Line Adjustment , or ROW Adjustment	DRC	—	CC	DC
PUE or MUE Vacation	DRC	—	ZA	CC

5-7-101 Purpose, ~~And~~ Definitions, and General Regulations

1. The purpose of this article is to provide the process for adjusting, altering, m amending the recorded property descriptions of parcels, Lots, and subdivision plats within Highland City. These regulations are intended to ensure that such changes comply with applicable zoning, subdivision, and other requirements of Highland City and state law. Where there is a conflict between the procedures or definitions set forth herein and state law, state law controls. ~~As used herein:~~
2. The terms “boundary adjustment,” “boundary establishment,” “full boundary adjustment,” “simple boundary adjustment,” “lot,” “parcel,” and other related terms shall have the meanings set forth in Title 10, Chapter 9a, Utah Code Ann., as amended.
- ~~2. "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder, and a "lot line adjustment" means an adjustment of boundaries between a lot and other lots or parcels. Lot line adjustments require a plat amendment.~~
- ~~3. "Parcel" means any real property that is not a lot, and a "parcel boundary adjustment" means an adjustment of parcels that are not a lot. Parcel boundary adjustments do not require a plat amendment.~~

- ~~4.3.~~ A "plat amendment" has the same meaning as "subdivision amendment" as set forth in Title 10, Chapter 9a, Utah Code Ann., as amended, provided that a plat amendment may not be used to increase the number of lots within a subdivision.~~means any change or alteration to a recorded plat. The change may be a relocation of a property line within the plat (lot line adjustment), a change in notations or lot numbers on the plat, a change or removal of a condition, note, or other restriction described on the plat, a change of the title or name of the plat, or any other change that affects the rights of one or more lot owners. A combination of lots does not require a subdivision plat amendment. Plat amendments require the approval of each affected property owner and the City Council.~~
- ~~5.~~ A "combination" ~~means the joining of two or more adjacent lots and/or parcels under common ownership in a way that reduces the number of lots and/or parcels.~~
- ~~4.~~ None of the processes described in this article may be used to create an additional lot, parcel, or other type of subdivision. Creation of an additional lot or parcel requires compliance with the subdivision process.
- ~~6.5.~~ Boundary establishments completed in accordance with state law do not require City review or approval. Recording of a boundary establishment does not limit or restrict the City from enforcing applicable land use regulations and other City and state law.

5-7-102 Simple Boundary Adjustment~~Parcel Boundary Adjustment~~

1. Owners of lots or parcels desiring to adjust the boundaries of their properties ~~parcels, shall may~~ follow the procedures set forth in Utah Code § 10-9a-523, as amended, for a simple boundary adjustment, and § 10-9a-524 and shall execute and record such agreements and deeds as are required by state law. ~~No City review or approval is required~~ so long as the proposed ~~parcel~~ boundary adjustment does not:
 - a. Create a new lot, housing unit, or remnant land that did not previously exist (requires subdivision process);
 - b. ~~Involve a lot~~ Affect a public right-of-way, municipal utility easement, or other public property (requires full boundary adjustment and lot line adjustment and plat amendment and/or vacation of utility easement); ~~or~~
 - c. Affect an existing easement, onsite wastewater system, or an internal lot restriction (requires full boundary adjustment and plat amendment) ~~Involve any parcels with dwelling units (requires City approval); or~~
 - e.d. Result in a lot or parcel out of conformity with City land use regulations.
2. A simple boundary adjustment that consists solely of the combination of lots or the joining of lots and parcels does not require a plat amendment or recording of a subdivision plat.
3. Application Required. A parcel boundary adjustment that involves any parcel with a dwelling unit shall be submitted to the City for review and approval. Application for a ~~parcel~~ simple boundary adjustment shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the City with any additional information or material deemed necessary to understand the application and ensure compliance with state law and this Code. Such information and materials shall include:
 - a. A conveyance document that complies with state law;
 - d.b. A description of all lots or parcels affected by the proposed boundary adjustment.
2. ~~Standards. Parcel owners may adjust property lines between adjacent parcels by exchanging title to portions of those parcels by quit claim deed or boundary line agreement after approval if:~~

- ~~a. No new lot or housing unit results from the property line adjustment;~~
- ~~b. The property line adjustment does not result in remnant land that did not previously exist; and~~
- ~~c. The adjustment does not result in violation of applicable Development Code requirements.~~

~~3.4.~~ 4. Land Use Authority Review.

- a. The Land Use Authority shall review all the documents to determine if they are complete and that they comply with the requirements set forth above.
- b. If the Land Use Authority determines that documents are complete and the requested ~~property line boundary~~ adjustment complies with the standards set forth above, the Land Use Authority shall approve the application, consent to the boundary adjustment, and provide notice of consent to the applicant in a format that makes clear the Land Use Authority is not responsible for any error related to the boundary adjustment and a county recorder may record the boundary adjustment.
- c. If the Land Use Authority determines that the requested ~~boundary property line~~ adjustment does not comply with the standards set forth above, the Land Use Authority shall deny the application. If the Land Use Authority denies the application, the Land Use Authority shall describe the specific deficiencies or additional information that is required to approve the application ~~and state that, upon correction of the deficiencies, the application will be approved.~~
- ~~d. The Land Use Authority shall complete their review of the application within 14 days after the day on which the applicant submits the application and shall notify the applicant in writing regarding the decision.~~

~~e.d.~~ d. The applicant may appeal the Land Use Authority's decision to the Appeal Body.

~~4.~~ 4. Conveyance of Title. After approval and consent, the applicant ~~shall~~may record the boundary adjustment, as consented to by the Land Use Authority, with the county recorder.:

- ~~a. Prepare a Notice of Approval which:~~

- ~~i. Contains an acknowledgment signed by each party executing the Notice as required by State law for real property;~~
 - ~~ii. Recites the description of both the original parcels and the parcels created by the property line adjustment; and~~
 - ~~iii. Is executed by each owner included in the exchange and the Zoning Administrator.~~
 - ~~b. Record a deed(s) or boundary line agreement which conveys title as approved; and~~
 - ~~c. Record the Notice of Approval; and~~
 - ~~d.e. Provide the Zoning Administrator with a recorded copy of the Notice of Approval.~~
- 5. A simple parcel boundary adjustment does not constitute a land use or zoning approval, unless expressly approved as such by the City. Documents recorded as part of a parcel-simple boundary adjustment do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.

5-7-103 ~~Lot Line Adjustments And Full Boundary Adjustments and~~ Plat Amendments

1. Application Required.

a. All full boundary adjustments require a plat amendment. A plat amendment is the vacation, alteration, or amendment of a subdivision plat that is not ~~an amendment to a public utility easement or~~ the creation of additional lots or parcels. Changes or alterations that create additional lots or parcels constitute a subdivision, not a plat amendment, and are subject to the subdivision approval process.

b. Application for a full boundary adjustment shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the City with any additional information and materials deemed necessary to understand the application and ensure compliance with state law and this Code. Such information and materials shall include:

i. a conveyance document that complies with state law;

ii. a survey that complies with state law;

iii. a proposed amended plat corresponding with the proposed full boundary adjustment, prepared in accordance with state law and this section; and

~~i~~iv. pre-stamped and pre-addressed envelopes for notices required by this state law and this section.

2. Plat Amendment Land Use Authority Consideration. The Land Use Authority may consider a petition proposing a vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot, public street, right of way, or easement contained in a subdivision plat in connection with a full boundary adjustment as set forth herein.

a. The Land Use Authority shall consider the petition at a public meeting after giving the notice required by this section.

b. A public hearing is required if:

i. Any owner within the plat notifies the City of their objection in writing before the applicable objection deadline~~within 10 days of mailed notification~~; or

- ii. All owners in the subdivision have not signed the revised plat; or
 - iii. The petition contains a request to vacate some or all of a public street, right of way, or easement.
- c. No public hearing is required if notice has been appropriately given to all adjoining property owners and:
 - i. Any owner within the plat does not notify the City of their objection in writing before the applicable objection deadline within 10 days of mailed notification;
 - ii. All owners in the subdivision have or will sign the revised plat;
 - iii. The petition seeks to join two or more of the petitioner fee owner's contiguous lots a lot line adjustment and all affected property owners join in the petition, regardless of whether the properties are located in the same subdivision;
 - iv. The petition seeks to adjust an internal lot restriction imposed by the City that does not apply to the entire subdivision; or
 - v. The petition otherwise seeks to amend or alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner(s) and are not designated as common area.

3. Notice.

- a. Notice for a plat amendment shall be given as required by Sections 10-9a-207 and 10-9a-608 Utah ~~Annotated~~ Code Annotated, as amended. Mailed ~~and addressed~~ notices shall be sent to owners of real property located within 500 feet of the property using pre-stamped and pre-addressed envelopes provided by the applicant.
- b. If the application includes a vacation of a public street, public right-of-way, or easement the public hearing shall be advertised as required by Section 10-9a-208 of Utah ~~Annotated~~ Code Annotated, as amended.

4. Grounds for Vacating or Changing a Plat.

- a. The Land Use Authority may vacate, alter, or amend the plat, or any portion of the plat, if the Land Use Authority finds:
 - i. Neither the public interest nor any person will be materially injured by the proposed vacation, alteration, or amendment;

- ii. There is good cause for the vacation or amendment;
- iii. All easements containing existing public water or sewer facilities are identified and preserved;
- iv. No public street, right-of-way, or easement has been vacated or amended, unless the petition requested such a change and the change was approved as required by this article and state law; and
- v. The proposed amendment meets all the requirements of the Development Code.

- b. The Zoning Administrator shall notify the applicant in writing regarding the Land Use Authority's decision.

5. Grounds for a Vacating Street or Right-of-Way

- a. The Land Use Authority may consider and adopt an ordinance or approve a plat amendment vacating a public street, or right-of-way, excluding trails, if the Land Use Authority finds that:
 - i. Neither the public interest nor any person will be materially injured by the proposed vacation;
 - ii. There is good cause for the vacation;
 - iii. All easements containing existing public water or sewer facilities are identified and preserved; and
 - iv. The proposed vacation meets all the requirements of the Development Code.
- b. The Zoning Administrator shall notify the applicant in writing regarding the Land Use Authority's decision.

6. Request for Amendment by Petition.

- a. Fee Owner. Any fee owner may apply to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
- b. City. The City may submit a petition to vacate some or all of a public street, right of way, or easement.

- c. Application Contents. Each application to vacate, alter or amend an entire plat, or portion of a plat, or a street or lot contained in a plat shall include:
- i. The name and address of all owners of record of the land contained in the entire plat;
 - ii. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended;
 - iii. The signature of each of these owners who consents to the petition;
 - iv. Filing fee
 - v. Any additional information needed to evaluate the proposal as determined by the Zoning Administrator.

7. Preparing the Amended Plat.

- ~~a.~~ The surveyor preparing the amended plat shall verify that the surveyor and the amended plat conform to all requirements of state law.
- ~~b.~~ ~~Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by State Law;~~
- ~~c.~~ ~~Has completed a survey of the property described on the plat in accordance with State Law and has verified all measurements; and~~
- ~~d.a.~~ ~~Has placed monuments as represented on the plat.~~
- e.b. The amended plat shall meet all of the requirements for a final subdivision plat set forth in this Code~~as contained herein~~.
- f.c. The City shall ensure that the amended plat ~~showing the vacation, alteration, or amendment are~~is recorded in the office of the County Recorder after consent to the full boundary adjustment is granted.
- d. The Land Use Authority may vacate a street, public right-of-way or easement by ordinance. The Land Use Authority may require an amendededment plat if it finds that an amended plat is necessary to accurately portray the action and is in the public interest.

8. Approval of and Consent to Full Boundary Adjustment.

- a. The Land Use Authority shall approve the application for a full boundary adjustment if:
 - i. The submitted application and information are complete and include all necessary information;
 - ii. The requested boundary adjustment complies with state law and the standards set forth herein;
 - iii. The survey shows no evidence of a violation of a land use regulation; and
 - iv. The plat amendment has been approved by the Land Use Authority.
- b. If the Land Use Authority approves the full boundary adjustment, the Land Use Authority shall consent to the boundary adjustment and provide notice of consent to the applicant in a format that makes clear the Land Use Authority is not responsible for any error related to the boundary adjustment and a county recorder may record the boundary adjustment
- a.c. If the Land Use Authority determines that the requested boundary adjustment does not comply with the standards set forth above, the Land Use Authority shall deny the application. If the Land Use Authority denies the application, the Land Use Authority shall describe the specific deficiencies or additional information that is required to approve the application.

5-7-104 Lot Or Parcel Combination

~~1.—Beginning May 7, 2025, all new lot or parcel combinations shall be reviewed and processed as simple or full boundary adjustments in accordance with the procedures set forth in this article and state law. Application Required. A lot or parcel combination shall be submitted to the City for review and approval. Application for a lot or parcel combination shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the City with any additional information deemed necessary to understand the application.~~

~~2.—Land Use Authority Review.~~

~~a.—The Land Use Authority shall review all the documents to determine if they are complete, and that they and the new lots or parcels created by the combination comply with all the requirements set forth in the Development Code, and the application does not seek to create any new lot or parcel, affect any property not owned by the applicant, or alter an existing plat of record in a way that requires a plat amendment.~~

~~b.—If the Land Use Authority determines that documents are complete and the requested property line elimination complies with the standards set forth above, the Land Use Authority shall approve the application.~~

~~c.—If the Land Use Authority determines that the requested property line elimination does not comply with the standards set forth above, the Land Use Authority shall deny the application. If the Land Use Authority denies the application, the Land Use Authority shall describe the specific deficiencies or additional information that is required to approve the application and state that, upon correction of the deficiencies, the application will be approved.~~

~~d.—The Land Use Authority shall complete their review of the application within 14 days after the day on which the applicant submits the application and shall notify the applicant in writing regarding the decision.~~

~~e.—The applicant may appeal the Land Use Authority's decision to the Appeal Body.~~

~~3.—Recording. After approval, the applicant shall:~~

~~a.—Prepare a Notice of Approval which:~~

- ~~i. Contains an acknowledgment signed by the party executing the Notice as required by State law for real property; and~~
 - ~~ii. Recites the description of both the original parcels and the lot or parcel created by the lot or parcel combination; and~~
 - ~~iii. Is executed by the owner and the Zoning Administrator.~~
- ~~b. Record the Notice of Approval; and~~
- ~~c.a. Provide the Zoning Administrator with a recorded copy of the Notice of Approval~~

~~4.2. A lot or parcel combination does not constitute a land use or zoning approval, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.~~

~~5.3. Effect of Combination and Notice of Approval. The following provisions apply to properties for which a lot or parcel combination has been approved prior to May 7, 2025.~~

- ~~a. A lot or parcel combination does not constitute a land use or zoning approval, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.~~
- b. Property for which a Notice of Approval of a lot or parcel combination has been approved and recorded ~~by the City pursuant to this section~~ shall be treated as a single, combined lot or parcel for all purposes under this Code, including the following:
 - i. The property line to which setbacks may be measured shall be the property line of the combined property furthest from the structure: and
 - ii. Property coverage regulations shall be calculated based upon the size of the combined property.
- c. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect any public utility easements, municipal utility easements, or other easements or the applicability of plat notes

or other restrictions that may apply to any of the properties that are the subject of the Notice of Approval.

- d. Unless otherwise approved by the Zoning Administrator in writing, any restriction applicable to one of the properties being combined shall apply to the entire combined property upon the approval and recording of a Notice of Approval of a lot or parcel combination.
- e. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect the applicability of any building or fire code regulations.



PLANNING COMMISSION AGENDA REPORT ITEM #3b

DATE: April 22, 2025
TO: Planning Commission
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Adoption of Fire Code Appendices (HB368)
TYPE: Land Use (Legislative)

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the proposed amendments, hold a public hearing, and recommend APPROVAL of the proposed amendments.

PRIOR REVIEW:

None.

BACKGROUND & SUMMARY OF REQUEST:

In the 2025 state legislative session, the legislature adopted HB 368. [Link to bill here](#). HB 368 changed state law regarding many aspects of land development that will be addressed in a separate agenda item, but this item deals with one specific provision of HB 368, found in lines 4323-4324: "A municipality may adopt and enforce any appendix of the International Fire Code, 2021 Edition."

Staff had long treated all appendices of the state fire code as adopted and enforceable. This provision calls that into question. Accordingly, at the recommendation of the building official, fire marshal, and fire chief, staff is proposing to adopt all appendices of the International Fire Code, 2021 Edition, and to adopt any appendix of a different fire code edition if adopted by the state. These appendices ([readable here, which includes summaries of each appendix](#)) provide specific rules and regulations for a wide variety of fire code issues, or provide supplemental or explanatory regulations to provisions of the fire code, and currently include:

- Appendix A - Board of Appeals
- Appendix B - Fire-flow requirements for buildings
- Appendix C - Fire hydrant location and distribution
- Appendix D - Fire apparatus access roads
- Appendix E - Hazard categories
- Appendix F - Hazard ranking
- Appendix G - Cryogenic fluids - weight and volume equivalents
- Appendix H - Hazardous materials management plan (Hmmp) and hazardous material inventory statement (Hmis) instructions

- Appendix I - Fire Protection Systems - noncompliant conditions
- Appendix J - Building information sign
- Appendix K - Construction requirements for existing ambulatory care facilities
- Appendix L - Requirements for fire fighter air replenishment systems
- Appendix M - High-rise buildings - retroactive automatic sprinkler requirement
- Appendix N - Indoor trade shows and exhibitions

The proposed text amendments include an amendment to the municipal code to reflect the adoption of the appendices as part of the City's adoption of the state building and fire code as well as amendments to the development code to more specifically require all development and construction to comply with fire code, including all relevant appendices.

STAFF REVIEW & PROPOSED FINDINGS:

Staff has prepared the proposed text amendments in order to ensure the City can apply and enforce relevant requirements of fire code found in the appendices to the 2021 international fire code, or future fire codes adopted by the state. Notice of the proposed amendments and public hearing were published on April 10, 2025. As of the writing of this report, no comments or objections have been received.

Proposed Findings:

1. The proposed amendments address the allowance under HB 368 for cities to adopt the appendices of the 2021 fire code.

MOTION:

I move that the Planning Commission recommend APPROVAL of the proposed amendments related to the adoption of fire code appendices. [Commission may specify additional or different amendments to be adopted]

ATTACHMENTS:

1. Proposed Text Amendment Related to HB 368

Proposed Text Amendment Related to HB 368 (2025) Regarding the Adoption of Appendices to Fire Code

Municipal Code 15.04.010 Construction And Fire Codes

1. The codes to be applied to building construction, alteration, remodeling, and repair, and in the regulation of building construction, alteration, remodeling, and repair in Highland City, and in the regulation of all other matters governed by statewide construction and fire codes shall be those current State Construction and Fire Codes adopted by the State of Utah in Title 15A of the Utah State Code as amended.
- ~~1.2.~~ Highland City adopts and may enforce all appendices of the International Fire Code, 2021 Edition. If the State Fire Code is different than the International Fire Code, 2021 Edition, Highland City adopts and may enforce any appendix of the uniform or international fire code adopted by the state.

Development Code 3-618 Building and Fire Codes~~Areas Annexed To City~~

All development, redevelopment, and construction shall conform to all current building and fire codes, including all adopted appendices thereof.~~New areas annexed to the City of Highland shall comply with provisions of 3-103.~~

Development Code 5-6-101 Design Standards

1. Standards and specifications for design, construction, improvement, and inspection of street improvements, curbs, gutters, sidewalks, culinary and pressurized irrigation water lines and facilities, sewage lines and facilities, fire hydrants, storm drainage and flood control facilities, landscaping and grading of public property or rights of way, and all other public landscaping, improvements, or facilities that will be operated, overseen, or owned by the City, or that are required by this Code, shall be prepared by the City Engineer or designee. All such standards, specifications, and amendments thereto, which are under the control of the City, shall be adopted by the City Council before becoming effective. All subdividers shall comply with the standards adopted by the City Council and all standards established by other agencies or entities having jurisdiction.
2. The design, layout, construction, improvement, and development of all subdivisions in relation to streets, blocks, lots, open spaces, drainage and flood control, and other design factors shall be in harmony with the requirements of this Code and the design standards and specifications approved by the City Council, all applicable building, fire, and other safety codes, including all adopted appendices thereof, and all standards established by other agencies or entities having jurisdiction. Subdivision plats and

subdivision improvement plans shall conform to and incorporate all designs, standards, specifications, and other requirements of such approved standards and specifications.

3. All improvements shall be constructed and installed according to the approved subdivision improvement plans.



PLANNING COMMISSION AGENDA REPORT ITEM #3c

DATE: April 22, 2025
TO: Planning Commission
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Procedures for Classification and Approval of New Business Uses (SB179)
TYPE: Land Use (Legislative)

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the proposed amendments, hold a public hearing, and recommend APPROVAL of the proposed amendments.

PRIOR REVIEW:

None.

BACKGROUND & SUMMARY OF REQUEST:

In the 2025 state legislative session, the legislature adopted SB 179. [Link to bill here](#). This bill requires every city to amend its land use regulations as follows:

- Create a process to classify a proposed business use as either allowed as an existing use or as a new or unlisted use.
- Create a process to review a new or unlisted business use to determine whether it should be allowed for one or more zones.
- Amend all zones that have a list of approved business uses to refer to the processes above.

The proposed text amendment accomplishes these goals. The proposed amendments have staff (zoning administrator) be the land use authority for classification requests, meaning requests to determine whether a proposed use is permitted or not under the current list of allowed uses. This is how these types of requests have been practically handled prior to now. The amendments then propose--as required by SB 179--that the City Council is the land use authority to decide whether a new or unlisted use should be allowed within a particular zone.

For reference, two of the City's zones (PO Professional Office zone and RP Residential Professional zone) already had procedures to review new or unlisted uses to determine whether such uses should be permitted within the zones because the proposed use is compatible with existing allowed uses. Staff has taken these existing procedures and expanded them to apply to all zones.

In reviewing new or unlisted uses, staff proposes the following criteria to determine whether a use aligns

with an existing use or should be approved as a new, compatible use for the zone:

1. 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;
2. Compatibility of the proposed business use with the intent and purpose of the potential zones;
3. Compatibility of the proposed business use with the General Plan;
4. Compatibility of the proposed business use with the uses of adjacent properties within potential zones;
5. The nature, scope, and impact of the proposed business use compared to existing or allowed uses;
6. Whether the proposed business use is expressly permitted in another zone; and
7. Whether the proposed business use or a similar or aligned use is expressly prohibited by applicable land use regulations.

Staff would appreciate any additional criteria that the Commission believes would be relevant and helpful to determining whether a proposed use either aligns with an existing use or should essentially be added to the list of approved uses for a zone.

STAFF REVIEW & PROPOSED FINDINGS:

Staff has prepared the proposed text amendments in order to comply with SB 179. Notice of the proposed amendments and public hearing were published on April 10, 2025. As of the writing of this report, no comments or objections have been received.

Proposed Findings:

1. The proposed amendments meet the requirements of SB 179.

MOTION:

I move that the Planning Commission recommend APPROVAL of the proposed amendments related to classification of business uses. [Commission may specify additional or different amendments to be adopted]

ATTACHMENTS:

1. Proposed Text Amendment Related to SB 179

**Proposed Text Amendment Related to SB 179 (2025) Regarding the
Adoption of Procedures for New or Unlisted Business Uses**

Table 2-704A

[Land Use Application or Matter]	[Review]	[Recommend]	[LUA]	[Appeal]
<u>Use Determination – Classification Request</u>	<u>DRC</u>	--	<u>ZA</u>	<u>AA</u>
<u>Use Determination – Approval of New or Unlisted Business Use</u>	<u>DRC</u>	<u>ZA</u>	<u>CC</u>	<u>AA</u>
Variance	DRC	ZA	AA	DC
Zoning Map Amendment (Rezone)††	DRC	PC	CC	DC

3-101 Uses Prohibited ~~In Zones~~ Unless Expressly Permitted, Classification and Approval of Uses

1. Uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein, except as may be ~~permitted approved as set forth herein by action of the Planning Commission or City Council, pursuant to express authority given under terms of this Code.~~
2. Any person who may obtain state or federal properties by purchase, lease, or other arrangement must utilize such properties in accordance with the provisions of this Code. ~~Neither the~~ The Planning Commission, City Council, Board of Adjustment Appeal Authority, nor and the Zoning Administrator shall not permit a use within a zone which is not expressly permitted by the terms of this Code.
3. Use Determination – Classification Request.
 - a. An applicant may request the Land Use Authority determine whether a proposed business use aligns with an existing land use specified in a zone.
 - b. The applicant shall submit an application that includes an application form, a fee (if required), and at least the following information:
 - i. A description of the proposed business use;

- ii. Identification of the zone or zones in which the proposed business use may be located; and
 - iii. A narrative explaining how the proposed business use is similar to or aligns with one or more existing, specified land uses and addressing the criteria set forth below.
 - c. The Land Use Authority shall determine whether a proposed business use aligns with an existing land use using the following criteria:
 - i. 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;
 - ii. Compatibility of the proposed business use with the intent and purpose of the potential zones;
 - iii. Compatibility of the proposed business use with the General Plan;
 - iv. Compatibility of the proposed business use with the uses of adjacent properties within potential zones;
 - v. The nature, scope, and impact of the proposed business use compared to existing or allowed uses;
 - vi. Whether the proposed business use is expressly permitted in another zone; and
 - vii. Whether the proposed business use or a similar or aligned use is expressly prohibited by applicable land use regulations.
 - d. If the Land Use Authority finds that a proposed business use aligns with an existing land use, the applicant may proceed to develop or use property in accordance with the regulations applicable to the existing use.
 - e. If the Land Use Authority finds that a proposed business use does not align with an existing land use and is a new or unlisted use, the applicant may file a petition to approve the proposed business use as a new or unlisted use, as set forth herein.
 - f. The Zoning Administrator shall notify the applicant, in writing, of the Land Use Authority's decision, the basis for any rejection or disapproval, and the opportunity to appeal the decision.

4. Use Determination – Petition for Approval of New or Unlisted Use.

- a. An applicant may petition the Land Use Authority to approve a new or unlisted proposed business use, which means a use that is not an existing land use and does not align with an existing land use specified in a zone.
- b. The applicant shall submit a petition that includes an application form, a fee (if required), and at least the following information:
 - i. A description of the proposed business use;
 - ii. Identification of the zone or zones in which the proposed business use are desired to be located, if any;
 - iii. A narrative explaining how the proposed business use is compatible with the desired zone or zones and addressing the criteria set forth below
- c. The Land Use Authority shall approve, approve with conditions, or deny a petition using the following criteria:
 - i. 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;
 - ii. Compatibility of the proposed business use with the intent and purpose of the potential zones;
 - iii. Compatibility of the proposed business use with the General Plan;
 - iv. Compatibility of the proposed business use with the uses of adjacent properties within potential zones;
 - v. The nature, scope, and impact of the proposed business use compared to existing or allowed uses;
 - vi. Whether the proposed business use is expressly permitted in another zone; and
 - vii. Whether the proposed business use or a similar or aligned use is expressly prohibited by applicable land use regulations.
- d. The Land Use Authority shall review and make a decision on a petition according to the following process:

- i. The Land Use Authority shall conduct a public hearing within thirty (30) days after a complete petition application is submitted.
 - ii. The Land Use Authority may continue the petition to another meeting within thirty (30) days of the public hearing to request the applicant provide additional information.
 - iii. The Land Use Authority shall make a decision approving, approving with conditions, or denying the petition within the later of fourteen (14) days after the public hearing or the public meeting to which the petition was continued.
 - iv. The timelines set forth herein do not apply if the applicant fails to timely provide requested information or appear at the public hearing.
 - v. The Land Use Authority and applicant may mutually agree to adjust the timelines set forth herein.
- e. If the Land Use Authority approves a new or unlisted use, the Land Use Authority shall designate the appropriate zone or zones for the approved use.
- a.f. The Zoning Administrator shall notify the applicant, in writing, of the Land Use Authority's decision, any conditions or limitations of approval, the basis for any rejection or disapproval, and the opportunity to appeal the decision.

3-4302 Uses

1. Permitted Uses.

- a. Accessory uses which are customary and incidental to the principal use of the property.
- b. Apparel, new and used
- c. Antiques, crafts, and collectible sales
- d. Art galleries and art studios
- e. Bakeries, retail only
- f. Education learning centers (i.e. Sullivan Learning Center)
- g. Financial institutions, excluding non-charted financial institutions
- h. Fitness center
- i. Indoor recreational facilities
- j. Laundry, cleaning, and dry cleaning establishments
- k. Personal services such as barber, beauty shops, copy shops, mail shops, tanning salons, shoe repair, and tailor shops
- l. Professional, administrative, business, and medical offices
- m. Restaurants, excluding drive thru
- n. Retail sales of new merchandise
- o. Repair services for small appliances, bicycles, watches, musical instruments, and similar items.
- p. Sporting goods equipment rental, sales, and service.

2. Conditional Uses.

- a. Gas station and convenience stores
- b. Drive thru restaurants
- c. Minor auto repair including lubrication, tires, engine tune-up, washing and polishing, brakes, muffler and maintenance of other similar accessories. This use does not include major engine repair, radiator repair, automotive painting and body repair, or transmission repair.

All repair areas must be within an enclosed building. Service bays shall be screened from view from public streets.

3. If a proposed business use has not been expressly identified as a permitted, conditional, or prohibited use, a request to classify the proposed business use as an existing use or a petition to approve the proposed business use may be made in accordance with Chapter 3, Article 1 of this Code.

3-4351 Permitted Uses

1. -As noted in the following sections, the only uses allowed within the C-R Zone are as follows:
 - a. Retail food stores, grocery and meat markets, bakeries, organic food stores, and other similar food and beverage sales facilities.
 - b. Sports and Fitness Centers, day spa, dry cleaner and laundry, copy center, barber shop, beauty parlor.
 - c. Florist, doughnut shop, candy store, nut or cheese store, stamp and coin store, ice cream/yogurt parlor.
 - d. Convenience store, gas stations, freestanding fuel centers.
 - e. Banks or credit unions (not to exceed 10% of the total area of a contiguous zone or master planned commercial center).
 - f. Doctor's office, dentist's office, pharmacy, physical therapy, optical shop or eye products, hearing center and sales.
 - g. Restaurants, catering, delicatessen.
 - h. Department stores, variety stores, jewelry and watch stores, home furnishings and appliances, book stores, retail sale of clothing, shoes and accessories, sporting goods stores, office supplies and furnishing, hardware and home improvement, nursery or plant sales, craft and hobby supplies, new and re-manufactured auto-parts and accessories, electronics, rental and sale of DVDs, CDs, games and videos, wireless phone and related products, computer services/sales, pet products and grooming.
 - i. Gasoline islands, canopies, as an accessory use to a permitted use defined above. A gasoline island, canopy or any gasoline use that is not attached to the structure of the primary use shall be subject to specific additional requirements as outlined in 3-4370.
 - j. Car washes subject to specific additional requirements as outlined in 3-4377.
 - k. Shipping, mailing, pickup, and return centers not exceeding 2,500 square feet in area.
 - l. General retail not otherwise prohibited.

- m. General office use, including, but not limited to, architects, engineers, contractors, real estate offices, property managers, mortgage and title offices; insurance offices, law offices, stock brokerages and investment advisors, advertising and sales offices, accounting and tax preparation offices.
- 2. If a proposed business use has not been expressly identified as a permitted, conditional, or prohibited use, a request to classify the proposed business use as an existing use or a petition to approve the proposed business use may be made in accordance with Chapter 3, Article 1 of this Code.

3-4502 Permitted Conditional Uses

The only uses allowed within the R-P Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone. All such conditional uses are subject to additional conditions considered appropriate and necessary by the conditional use Land Use Authority. Those uses which are incompatible with the desired land use for the R-P Zone are prohibited. Following is a list of conditional uses for the R-P Zone, subject to the standards and procedures established in this Code.

1. Community Uses
2. Financial Institutions
3. Medicare Care Facilities
4. Professional Offices, including, but not limited to, the following:
 - a. Architect
 - b. Certified Public Accountant
 - c. Doctor, Dentist, Psychologist, Psychiatrist, or Nurse
 - d. Insurance (not claims adjustment)
 - e. Lawyer
 - f. Engineer or Surveyor
 - g. Physical Therapist
5. Single-family Residence compatible with R-1-40 Zoning Regulations
6. Other types of stores or services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.
7. Accessory structures and uses necessarily and customarily incidental to the above uses and specifically provided for in the Conditional Use Permit. Uses must be compatible with the Zone.
8. Private Educational Institutions, Preschools, Day Care. A private educational institution is defined as such: if it is under the financial and managerial control of a private body, firm, association, organization, or corporation, or charitable trust rather than by a public agency; it accepts mostly fee-paying pupils; it has one or more teachers to give instruction; it has an assigned administrator; it has enrolled or prospectively enrolled students; and its educational program meets all of the following criteria:

- a. The primary purpose of the program is to provide private or religious based education, provides educational services to a minor child and aims to improve the lives of their students by providing services tailored to very specific needs of individual students; and
 - b. The program provides at least 850 hours of individual class instruction by subject each school year; and
 - c. The program provides a sequentially progressive curriculum of fundamental instruction in any/or all of the following subjects: reading, language arts, mathematics, social studies, science and health, the visual arts, or performing arts. This subsection does not require the program to include in its curriculum any concept, topic or practice in conflict with the program's religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the program's religious doctrines.
 - d. The program is not operated or instituted for the purpose of avoiding or circumventing any compulsory school attendance requirement.
 - e. The pupils in the institution's educational program, in the ordinary course of events, return daily to the homes of their parents or guardians and the institution is not licensed as a child welfare agency.
9. ~~Whenever a proposed business use has not been expressly specifically been identified in the foregoing classification as a permitted, conditional, or prohibited use, a request to classify the proposed business use as an existing use or a petition to approve the proposed business use may be made in accordance with Chapter 3, Article 1 of this Code.~~the conditional use Land Use Authority shall determine if said use
- ~~a. Is consistent with the intended use of the R-P Zone; and~~
 - ~~b. Is compatible with other listed uses; and~~
 - ~~c. Is compatible with the uses of adjacent properties.~~

3-4705 Permitted Uses

1. The only permitted uses allowed within the Town Center Overlay which satisfy the primary intent or purpose for the Zone are subject to conditions as defined the Land Use Table 3-47A in this ordinance and are identified by District. Permitted uses may be subject to additional conditions as described within this Code. Locations of specifically permitted uses are defined in the Commercial Design Standards in the Town Center Master Land Use Map and shall be applied at site plan and architectural approval if applicable. Applicants seeking building permits for structures within the Town Center Overlay shall first obtain site plan design and architectural design approval as defined in this ordinance prior to application for a building permit.
- ~~1.2.~~ If a proposed business use has not been expressly identified as a permitted, conditional, or prohibited use, a request to classify the proposed business use as an existing use or a petition to approve the proposed business use may be made in accordance with Chapter 3, Article 1 of this Code.

3-4903 Prohibited Uses

1. If a proposed business use has not been expressly identified as a permitted, conditional, or prohibited use, a request to classify the proposed business use as an existing use or a petition to approve the proposed business use may be made in accordance with Chapter 3, Article 1 of this Code.~~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~~
 - ~~a. Is consistent with the intended use of the zone; and~~
 - ~~b. Is compatible with other listed uses; and~~
 - ~~is compatible with the uses of adjacent properties.~~
2. Residential occupancy is not allowed in the professional offices or storage sheds themselves, but living quarters for full-time employees having onsite responsibilities for this storage facility may be permitted as part of the conditional use process.



PLANNING COMMISSION AGENDA REPORT ITEM #3d

DATE: April 22, 2025
TO: Planning Commission
FROM: Rob Patterson, City Attorney/Planning & Zoning Administrator
SUBJECT: Land Use Regulation Updates per HB 368
TYPE: Land Use (Legislative)

PURPOSE:

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the proposed amendments, hold a public hearing, and recommend APPROVAL of the proposed amendments.

PRIOR REVIEW:

None.

BACKGROUND & SUMMARY OF REQUEST:

In the 2025 state legislative session, the legislature adopted HB 368, which takes effect May 7. [Link to bill here](#). HB 368 changed state law regarding many aspects of land development. These changes include many changes to the building permit application, review, and approval process, which do not need to be incorporated directly into the City's code. Other portions of HB 368 impose new state regulations that require updates to existing city codes, as set forth below

NO APPEAL HEARINGS (Lines 4289-4290)

HB 368 prohibits any city from requiring a public hearing as part of a request for a variance or a land use appeal. Staff proposes removing any reference to "hearing" within the City's appeal authority procedures.

NEW SUBDIVISION BONDING REQUIREMENTS (Lines 3473-3635, 4116-4255)

HB 368 modifies the long-standing bonding procedures for subdivisions. The changes imposed by HB 368 are summarized below:

- Establishes hard deadlines (generally 15 days, with exceptions for inspections impacted by winter conditions or exceptional circumstances) for completion of inspections of subdivision improvements, determining whether to accept or reject improvements, and the release of assurances.
- Warranty assurances are no longer able to be required with a performance/completion assurance, but only at the time the warranty period begins
- Modifies what a performance or warranty assurance covers. Now it appears that all assurances

are tied to categories of improvements (e.g., culinary systems, landscaping, transportation, etc.). It appears that performance and warranty assurances are to be handled on an improvement category basis, so a subdivision may enter warranty for a specific category (water systems) while other work remains incomplete (e.g., roads).

- Modifies the release requirement for performance assurances to require 90% of the assurance be released once the improvements within an improvement category are completed, inspected, and accepted. The remaining 10% remains until the end of the warranty assurance.
- The warranty assurance now appears to directly correspond with the performance assurance, so the City must allow the same forms of assurance for both types of assurances.
- Cash assurances must be deposited in interest-bearing accounts, and the developer is entitled to the earned interest on the account.
- Extension of the warranty period from 1 to 2 years now must be based on industry standards

HB 368 is somewhat unclear or contradictory as to the assurance requirements, so the proposed amendments may need to be revisited as developers and municipalities begin to apply the new regulations.

ADJUSTED ANNEXATION PROCEDURES (Lines 183-1908)

HB 368 adjusts several procedures, definitions, conditions, and requirements related to annexation of property. Because the state annexation code is adjusted frequently and supersedes city code, staff proposes removing all city-specific annexation provision and simply referring to state code for annexation procedures. The only provisions that staff believe are important for the City to retain in its code regarding annexation address the broad discretion of the City to review annexations, to accept or reject an annexation, and to set terms, conditions, and restrictions on annexation.

STAFF REVIEW & PROPOSED FINDINGS:

Staff has prepared the proposed text amendments in order to ensure the City conforms to the new land use requirements and procedures set out in HB 368, as staff best understands them. Notice of the proposed amendments and public hearing were published on April 10, 2025. As of the writing of this report, no comments or objections have been received.

Proposed Findings:

1. The proposed amendments address and comply with the land use requirements and procedures amended or established by HB 368.

MOTION:

I move that the Planning Commission recommend APPROVAL of the proposed amendments related to the adoption of fire code appendices. [Commission may specify additional or different amendments to be adopted]

ATTACHMENTS:

1. Proposed Text Amendment Related to HB 368

**Proposed Text Amendment Related to HB 368 (2025) Regarding
Annexation, Notices, Assurances, Subdivision Inspections, Appeals, and
Other Matters**

2-304 Organization And Procedure

1. The Appeal Authority may adopt reasonable policies and procedures in accordance with City ordinances to govern the conduct of its meetings ~~and~~ **hearings** and for any other purposes considered necessary for the functioning of the position of Appeal Authority.
2. The Appeal Authority shall hold meetings as needed to consider matters within its purview under the City's land use ordinance. The Appeal Authority meetings shall be held as deemed necessary by the Appeal Authority. All meetings shall be properly noticed and held in accordance with the Open and Public Meetings Act set forth in Utah Code Annotated section 52-4-101 et seq.
3. The Appeal Authority shall respect the due process rights of each of the parties to an appeal or variance application and shall give all parties a reasonable opportunity to present written or oral arguments before making a decision.
4. Written minutes of all meetings of the Appeal Authority shall be prepared and filed in the Office of the City Recorder for review and access by the public in accordance with Utah State Law.
5. The decision of the Appeal Authority takes effect on the date when the Appeal Authority issues a written decision.

2-306 Appeals

1. An applicant or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the applicable time period, appeal that administrative decision to the Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
2. Informal reviews are not subject to appeal. Formal recommendations are not subject to appeal and therefore may not be appealed to the Appeal Authority. Legislative actions are not subject to appeal.
3. An appeal shall be made in writing within ten (10) calendar days of the administrative decision by the city land use authority and shall be filed with the Community Development Department on an application form with required documentation and accompanied with the appropriate fees as required.
4. The appeal shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court. The appellant has the burden of proving the decision appealed is incorrect. Only information and claims that were previously presented as part of the land use application, hearings, or process may be submitted.
5. An appeal filed with to the Appeal Authority shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination, or interpretation was made until such time a decision is rendered by the Appeal Authority.
6. Upon receipt of an appeal of an administrative decision, the Appeal Authority shall schedule and hold a public meeting in accordance with the standards and procedures set forth in this Section. Notification of the date, time and place of the meetinghearing shall be given to the appellant, the respondent (i.e., the land use applicant) and the city at least ~~7~~seven (7) calendar days before the public meeting.
7. All appeals shall be heard within 180 days after the filing of the appeal. Appeals not heard within this time frame due to the appellant's failure to

expeditiously pursue its appeal will be considered void and withdrawn by the appellant.

8. The Appeal Authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. The Appeal Authority shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made. Only information and claims that were previously presented as part of the land use application, hearings, or process is to be considered by the Appeal Authority. The Appeal Authority shall render a written decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the administrative decision.

Table 2-704A

Subdivisions (subdivision conforming to current zoning regulations; exceptions require legislative approval)	[Review]	[Recommend]	[LUA]	[Appeal]
Major (3+ lots or road) - Preliminary Plat	DRC	DRC	PC	AA
Major (3+ lots or road) - Final Plat & Improvement Plans	DRC	DRC	DAB	AA
Minor (2+ lots, no road) - Final Plat & Improvement Plans	DRC	DRC	DAB	AA
<u>Subdivision Assurances, Acceptance of Subdivision Improvements and Warranty Work</u>	<u>DRC</u>	<u>=</u>	<u>CE</u>	<u>AA</u>

~~3-103 Zoning Of Annexed Territory~~

~~As part of its recommendation to the City Council regarding a proposed annexation, the Planning Commission may make recommendations regarding the zone classification which should be applied to the territory, and provided that due public notice of said recommendation shall have been given and a hearing held, as required under Chapter 9 of this Code, the City Council may, in or subsequent to adoption of the annexation ordinance, act to zone the annexed property in accordance with the Planning Commission's recommendation; provided, however, if no such recommendation is given and hearing held, the land shall be classified into that zone with which it has the longest contiguous boundary.~~

~~3-104~~ 103 Illegal Uses Prohibited

Any building or use of land or any construction thereon which was not authorized by or under the 1981 Zoning and Subdivision Ordinance of Highland City, including all amendments thereto, or which is illegal under such ordinances, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this Code.

6-102 Type And Amount Of Assurances

1. The amount of the performance guarantee shall be 100% of the estimated cost of the required public landscaping improvements or infrastructure improvements that have not yet been installed, inspected, and approved, as evidenced by an engineer's estimate or licensed contractor's bid, plus 10% of such estimated cost to cover administrative costs incurred by the City to complete the improvements. The estimate or bid shall allocate all costs according to the infrastructure improvement categories set forth in this Chapter. The total performance guarantee shall be not less than 110% of the total estimated cost of the improvements.
2. The form of performance guarantee shall be one of the following:
 - a. A deposit of cash in a separate escrow account in an amount not less than ~~1120%~~ (both performance guarantee and warranty assurance) of the estimated cost of constructing the required improvements, as determined by the City. Said account shall be made with a financial institution acceptable to the City Administrator and shall be established in such a manner that any release therefrom shall require the advance written consent of the City, as set forth in this Chapter.
 - b. An irrevocable letter of credit in an amount not less than 110% of the estimated cost of constructing the required improvement or improvements, as determined by the City. Said letter shall be issued by a financial institution acceptable to the City Administrator and shall contain the terms and conditions required by this Chapter.
3. If the performance guarantee is provided as a cash deposit, the applicant shall be entitled to deposit the guarantee in an interest-bearing account and to collect all earned interest upon proper release of the guarantee. If the deposit is with the City, the City shall place the cash deposit in an interest-bearing account and return any earned interest to the applicant upon proper release of the guarantee.
4. The improvement warranty assurance shall be one of the forms permitted for a performance guarantee - a cash deposit in an escrow account and shall be in an amount not less than the lesser of 10% of the estimated cost of constructing all the required improvements or the reasonably proven costs of completion of all the required improvements, regardless of whether a performance guarantee was provided for the improvements. If a portion of a performance guarantee is provided or retained as an improvement warranty

assurance, the applicant shall ensure that such portion of the performance guarantee meets the standards set forth in this Chapter for an improvement warranty assurance.

5. ~~The warranty assurance may be combined with a cash deposit escrow account provided as or for the performance guarantee.~~ The warranty assurance shall be provided ~~at the same time as the performance guarantee, or prior to the recordation of a final plat if no performance guarantee is provided by the applicant at the time the applicant desires to begin the improvement warranty period, which shall be at or after the applicant has filed written requests for inspection of improvements and the improvements have been inspected and accepted., and~~
6. ~~†~~The warranty assurance shall not expire, lapse, or be released until after the improvement warranty period. The warranty assurance shall secure the developer's unconditional warranty as to the workmanship, design, materials, construction, and durability of the improvements.

3.—

6-104 Performance Bond - Subdivider

1. Prior to recordation of a final plat, after it has received approval, the subdivider shall either complete all of the public improvements required in the subdivision or enter into an agreement with the City to provide assurances that insure completion and durability of all public improvements required to be installed in the subdivision that have not yet been installed, inspected, and approved, according to the approved subdivision improvement plans. The agreement shall be in a form and contain such provisions as approved by the City Attorney's Office. The agreement shall include but not be limited to:
 - a. Incorporation by reference of the approved final plat, the approved subdivision improvement plans, and all data required which is used to compute the cost of the improvements by the Land Use Authority~~City Engineer~~.
 - b. Completion of the improvements within a period of time not to exceed one year from the date the agreement is executed.
 - c. The improvements shall be completed to the satisfaction of the Land Use Authority~~City Engineer~~ and according to City standards, as established by the City and accepted.
 - d. The amount of all assurances shall be as set forth in this Chapter~~120% of the City Engineer's estimated cost of the public improvements to be installed, with 110% provided as a performance guarantee and 10% provided as an improvement warranty assurance.~~
 - e. The City shall have exclusive control over the assurance proceeds such that they may be released only upon written approval of the Land Use Authority~~City Engineer~~ and they shall be released upon written demand of the Land Use Authority~~City Engineer~~. No other person, including the developer or the issuer of the assurance, may have any right to limit when or how the City can demand release of the assurance proceeds.
 - f. If the assurance proceeds are inadequate to pay the cost of the completion of the improvements, which costs include administrative and legal costs, according to City standards for whatever reason, including previous reductions, then the developer shall be responsible for the deficiency. Building permits shall not be issued in the

subdivision until the improvements are completed, in accordance with state law.

- g. If upon written demand of the City after expiration of the time period, the assurance proceeds are not transferred to the City within 30 days of the demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs or outside attorney's fees and court costs, shall be deducted from the assurance proceeds.
- h. Upon receipt of the assurance proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the City ~~Engineer and all other City departments~~ for the costs of administration of the completion of the improvements.
- i. The developer agrees to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City accepts the improvements and the improvement warranty period has expired.
- j. The performance guarantee shall be valid and shall not expire for a term of at least two (2) years from issuance. The warranty assurance shall be valid and shall not expire or be released until after the improvement warranty period.

6-106 Inspection of Improvements, Final Disposition And Release Of Performance Guarantee

1. The developer, or other person giving the assurances required by this Chapter, shall be responsible for all materials and workmanship of the improvement. At the completion of the work, and prior to the full release of any performance guarantee and/or the beginning of the improvement warranty period, the ~~person giving the assurances applicant~~ shall submit to the ~~City Engineer-Land Use Authority complete~~ record drawings as required by section 5-6-111 and a certificate of completion.
2. Inspection of Improvements.
 - a. The applicant shall request in writing inspection and acceptance of the condition of the improvements covered by the assurances or of warranty work ~~and the City's acceptance thereof~~.
 - b. The City-Land Use Authority shall have fifteen (15) working days, or as soon as practicable after fifteen days if inspection is impeded by winter weather conditions or, for warranty work, by extraordinary circumstances, after receipt of the request, in writing, to complete inspections of improvements and warranty work and determine whether the improvements or work meet the City's standards and can be accepted ~~respond~~.
 - i. If winter weather conditions do not reasonably permit a full and complete inspection of improvements or warranty work within fifteen (15) days of an applicant's request, the City shall notify the applicant in writing within the fifteen-day period that the City will require additional time to inspect and accept or reject the work.
 - ii. Extraordinary circumstances refer to circumstances when the City is processing a request for inspection that substantially exceeds the normal scope of inspection, the applicant has provided two or more requests for inspection within the same thirty-day period, or the City is processing an unusually large number of requests for inspection.
 - iii. If the City rejects an applicant's performance of warranty work three times, the City may take an additional fifteen (15) days to complete inspections and respond to requests.

- c. If the Land Use Authority determines that the installation of improvements or performance of warranty work does not meet the City's standards, the Land Use Authority, or designee, shall, within fifteen (15) days of the day on which the Land Use Authority makes the determination, provide a written list of the reasons for the Land Use Authority's determination.
- d. If the Land Use Authority fails to timely provide the list of reasons for its determination, the applicant may submit a written request for the list within five (5) days of the end of the fifteen (15) day period. If the Land Use Authority fails to provide the list of reasons for its determination within five (5) days after a written request for the list, the City shall, at the applicant's request, reimburse the applicant 20% of the performance guarantee or warranty assurance, as applicable.
- ~~1.3.~~ The City Engineer shall then make a preliminary inspection of the improvements. If the installation of improvements or warranty work do not conform to applicable City standards, the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the Land Use Authority~~City Engineer~~ may declare the person giving the guarantee in default.
- ~~2.4.~~ Upon the City's receipt of complete record drawings and certificate of completion, and the City's successful inspection and acceptance of the improvements at the request of the developer, the performance guarantee shall be released and the improvement warranty period shall begin. For the duration of said warranty period, the developer shall provide an unconditional warranty that the installed and accepted improvements comply with the City's written standards for design, materials, and workmanship and shall not fail in any material respect, as a result of poor workmanship or materials.

6-107 Partial Release Permitted

1. The ~~City Engineer~~ Land Use Authority may, upon application of the person giving the guarantee, authorize from time to time a partial release of the performance guarantee in accordance with the following ~~requirements~~ schedule, provided that at no time shall ~~the 10%-amounts~~ provided as a warranty assurance or to cover administrative costs incurred by the City be released prior to expiration of the improvement warranty period.
2. Partial and complete releases of a performance guarantee shall be made based upon completion of improvements within infrastructure improvement categories, which categories are:
 - a. Culinary water system;
 - b. Sanitary sewer system;
 - c. Storm water system;
 - d. Transportation system;
 - e. Pressurized irrigation system;
 - f. Public landscaping;
 - g. Public parks, trails, and open space improvements.
3. Releases of a performance guarantee or warranty assurance shall be made within fifteen (15) days of the day the Land Use Authority inspects and accepts the improvements or warranty work for the respective infrastructure improvement category, as set forth in this Chapter:

1.4. Schedule for partial releases:

Percent of Work Completed	Maximum Percentage of Performance Guarantee Eligible for Release
25%	Up to 20% of P performance G guarantee <u>allocated to the respective infrastructure improvement category (20% released)</u>
50%	Additional 20% of p Performance G guarantee <u>allocated to the respective infrastructure improvement category (40% released)</u>

75%	Additional 20% of P performance G guarantee <u>allocated to the respective infrastructure improvement category (60% released)</u>
100%, and a satisfactory final inspection, <u>and provision of record drawings</u>	<u>Additional 30% of performance guarantee allocated to the respective infrastructure improvement category (90% released), unless the applicant has provided a separate warranty assurance. If a separate warranty assurance is provided, then all remaining amounts of the performance guarantee shall be released. All Remaining Amount of Performance Guarantee, Less Amounts Retained as Warranty Assurance</u> <u>Amounts provided to cover administrative costs shall not be released until the improvement warranty period expires and all improvements and warranty work have been inspected and accepted.</u>

6-108 Duration Of Assurances

1. The duration of the performance guarantee covering the construction and installation of the required improvements shall be for a period of at least two (2) years from the date of issuance. In the event that the performance guarantee expires or is otherwise released without the written approval of the ~~City Engineer~~Land Use Authority, and there remain incomplete or defective improvements or landscaping, the Land Use Authority ~~City Engineer~~ may require the responsible party to provide another performance guarantee insuring the completion of all remaining improvements in accordance with this Chapter. The City may withhold building permits, certificates of occupancy, or other approvals, to the extent permitted by state law, related to subdivisions, developments, and other projects for which a performance guarantee has not been properly provided or is otherwise not in place.
2. The duration of the improvement warranty period insuring the durability, condition, material, and workmanship of completed improvements and landscaping, shall be one (1) year, beginning on the date following the completion of all improvements and final acceptance of the same in writing by the Land Use Authority~~City Engineer~~, provided that the ~~City Engineer~~ Land Use Authority shall require the improvement warranty period to be extended, and the warranty assurance to be held, for a period of two (2) years if
 - a. The Land Use Authority determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - a.b. _____ the city has substantial evidence on record of:
 - i. Prior poor performance by the applicant: OR
 - ii. That the area upon which the infrastructure will be constructed contains suspect soil and the city has not otherwise required the applicant to mitigate the suspect soil.
- 2.3. _____ The warranty assurance, consisting of a cash deposit in the amount of not less than 10% of the total estimated cost of constructing and installing the required improvements shall be retained by the City until the completion of the improvement warranty period as security for the developer's warranty of the completed improvements. Such warranty assurance shall be a

guarantee of the durability of all improvements. If, at the end of the improvement warranty period, the durability, condition, material, and workmanship of said improvements are found to be satisfactory, the ~~City Engineer~~ Land Use Authority shall authorize release of the warranty assurance. If, however, during said period the condition, or material, or workmanship of the improvement or improvements fails or shows unusual depreciation, or if it becomes evident that certain work was not completed or was not completed according to all City, State, and other applicable standards, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the person giving the warranty assurance. If the corrections are not made within a reasonable time, the Land Use Authority~~City Engineer~~ may, in accordance with this Chapter, declare such person in default and use the warranty assurance proceeds to defray the cost of any required work.

6-109 Default

1. When the Land Use Authority~~City Engineer~~ shall determine that the person posting the performance guarantee or warranty assurance has failed or neglected to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, the Land Use Authority~~City Engineer~~ may declare the performance guarantee or warranty assurance, or any unreleased portion thereof, forfeited and thereafter may install or cause the required improvement to be installed or repaired using the proceeds of the assurances to defray the expense thereof. The Land Use Authority~~City Engineer~~ will give written notice to the person giving the assurances prior to declaring the assurance in default.
2. In the event that the unreleased portion of the assurances is not sufficient to pay additional costs and expenses of such installation or repair, the City may commence to declare legal action against the person giving the guarantee for any additional costs and expenses of such installation or repair, including all costs of administration, attorney fees, and enforcement.

7-101 ~~Intent~~ General Annexation Regulations

1. ~~All requests to~~ This ordinance is intended to outline procedures and conditions with Title 10-2-401 et, seq., Utah Code Annotated, 1953, as amended, and all other applicable State law for the purpose of annexation of additional property into Highland City boundaries shall comply with and be processed in accordance with the requirements and procedures of Utah State law.
2. Annexations are legislative in nature. The City is not required to accept or approve a petition for annexation even though the petitioners may comply with all provisions required for annexation under this Code and state law. If annexation is approved, the City may choose to annex all or some of property proposed for annexation and may impose conditions or restrictions on such annexation.
- 1.3. The Planning Commission shall prepare and recommend to the City Council an annexation policy plan and may prepare and recommend amendments to such plan from time to time, as necessary or expedient.

7-102 Procedure For Annexation Of Territory

1. Annexation Application and Petition. ~~The owners of a majority of the private property as shown in the records of the County Recorder's office and the owners of at least one-third in value of the real property as shown by the last assessment rolls, in property contiguous to the corporate boundaries of the City may file with the City Recorder a written annexation application, together with the following:~~
 - a. An applicant shall follow the process for submitting a petition for annexation as set forth in Utah State Code, including submitting or facilitating all notices and preparing and completing all documents and instruments.
 - b. The City may require an applicant to submit such forms, documentation, and information as is necessary or desired for the City to review and evaluate the request.
 - c. The Applicant shall pay all applicable fees ~~tion Review Fee, Plat Review and other required fees~~ as may be set by the Highland City Council by resolution.
 - d. ~~The name, address, and telephone numbers of up to five sponsors of the annexation one of whom shall be designated the contact sponsor for the City to work with.~~
 - e.d. _____ ~~The sponsors shall also deliver or mail a copy of the petition to the Utah County Clerk.~~
2. City Council Land Use Authority Review and Action. The ~~City Council Land Use Authority~~ shall review the application/petition for annexation in accordance with the procedures set forth in Utah State law, and may send the application to the ~~Planning Commission~~ Reviewing Body, Recommending Body, Staff, and/or Consultants ~~and other public or private entities and persons who may be affected, impacted, or provide services to the annexed property~~ for recommendations.
- 2.3. _____ The ~~City Council~~ Land Use Authority may ~~request the application/petition be reviewed~~ an annexation application/petition according to the following review criteria and any additional criteria that the Land Use Authority determines is relevant to the proposed annexation:
 - a. Whether or not it is in the interest of the City to annex additional land at that time.

- b. The capability of ~~Highland the~~ City to supply adequate municipal services to the area proposed for annexation, such as public streets, water, sewer, police and fire protection including what necessary improvements will be a requirement of the petitioners/owners of the property.
 - c. Whether or not the proposed annexation is consistent with the City's General Plan and the City's annexation policy plan.
 - d. What conditions, if any, should be attached to proposed annexations in order to provide adequate services, protect health or safety, or are necessary for proper implementation of the General Plan such as dedications for or provision of parks, trails, open space, roads, ~~of~~ other public facilities, payment of impact fees, or dedications of water rights or shares.
 - e. Whether as a condition and requirement of annexation, an annexation fee will be negotiated between the City and the petitioners. This fee may be separate and distinct from, and in addition to, any development impact fee assessed pursuant to the terms of the City's impact fee ordinance. The purpose of these fees shall be to reimburse the city for any extraordinary impacts on the City and infrastructure which may be created by the annexation.
 - f. Whether adjacent property owners object to the annexation or may be negatively impacted by the annexation.
 - ~~f. Such other information as may be required or necessary to understand and evaluate the application/petition.~~
4. The City may require the applicant to execute agreements and other documents and record the same against the property to be annexed to memorialize and enforce any required terms, conditions, and limitations of annexation.
5. The City Council shall designate the zoning classification for any property that is annexed at the time the property is annexed. If no zoning designation is made, the land shall be classified into that zone with which it has the longest contiguous boundary.
- ~~3. Annexations Not To Create Unincorporated Islands or Peninsulas. In no event shall the City Council approve annexations which would result in unincorporated islands or peninsulas being left within the boundaries of the City except pursuant to State Law existing islands or peninsulas within the City may be annexed, if they are already developed and require the delivery of municipal type service.~~

- ~~4. Acceptance or Rejection by City Council. After reviewing the annexation request and recommendations from the Planning Commission, Staff or Consultants, if any were requested, the City Council shall vote to either accept or reject the annexation petitions. If the annexation request is rejected the City Recorder shall notify the contact sponsor and the County Clerk of the rejection within five (5) days of the decision to reject the annexation application.~~
- ~~5. Certification of Petitions. If the annexation application is accepted the City Recorder shall within thirty (30) days review the annexation petitions to determine if they comply with all applicable law. If the City Recorder certifies that the petitions are valid and sufficient the Recorder shall notify the City Council and the sponsors in writing. If the City Recorder determines that the petitions are insufficient, the Recorder shall notify the City Council and the sponsors of the deficiencies in the petitions and the sponsors may modify the petitions and re file the annexation with the City.~~
- ~~6. Notice of Intent Annex. The City Council shall cause a public notice to be published and mailed as required by Utah State Code.~~
- ~~7. Public Hearing. If no protest is filed within the protest period or if the Boundary Commission approves the annexation after the protest is heard, the City Council may proceed to annex the property. Before acting on the annexation, the City Council shall hold a public hearing and provide notice as required in Utah State Code.~~
- ~~8. Ordinance of Annexation. Following the public hearing, the City Council may adopt an Annexation Ordinance which is consistent with the decision of the Boundary Commission, if any.~~
- ~~9.6. _____ Recording of Annexation Plat and Documents. Upon passage of the ordinance of annexation, the territory shall be deemed to be annexed. The recording of the plat and noticing requirements shall be completed as required in Utah State Code.~~