



HIGHLAND PLANNING COMMISSION AGENDA

TUESDAY, JANUARY 27, 2026

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@highlandut.gov

6:00 PM REGULAR SESSION

Call to Order: Chair Howden

Invocation: Commissioner Tracy Hill

Pledge of Allegiance: Commissioner Audrey Moore

1. UNSCHEDULED PUBLIC APPEARANCES

Anyone may share information with the Planning Commission. If your comments require a response, staff or a city official will contact you. Please limit your 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 - October 28, 2025** *General City Management Heather White, Deputy City Recorder*

3. ACTION ITEMS

Items in this section are to be acted upon individually by the City Council. A report will be given on these items.

- a. **PUBLIC HEARING/ORDINANCE: Text Amendment - Preconstruction Meetings and Requirements Development Code Update (Legislative)**
Rob Patterson, City Attorney/Planning & Zoning Administrator
The Planning Commission will hold a public hearing and consider proposed amendments related to preconstruction meetings.
- b. **PUBLIC HEARING/ORDINANCE: Text Amendment - Development Assurance Requirements Development Code Update (Legislative)**
Rob Patterson, City Attorney/Planning & Zoning Administrator
The Planning Commission will hold a public hearing and consider proposed amendments related to development assurances.

4. DISCUSSION ITEMS

Items in this section are for discussion, and include supplementary information in the packet. No final action will be taken.

a. General Plan, 2026 Goals, and Detached ADUs *General City Management*

Rob Patterson, City Attorney/Planning & Zoning Administrator

City Staff and the Planning Commission will review the adopted General Plan and discuss goals for the upcoming year.

5. COMMUNICATION ITEMS

Items in this section are for notification and update. No final action will be taken.

a. 2026 Planning Commission Membership and Changes

6. CLOSED MEETING

The Planning Commission may recess to convene in a closed meeting to discuss items, as provided by Utah Code Annotated §52-4-205.

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.hIGHLANDUT.GOV).

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 22 day of January, 2026
Attorney/Planning & Zoning Administrator

Rob Patterson, City

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



HIGHLAND PLANNING COMMISSION MINUTES

TUESDAY, October 28, 2025

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

Awaiting Formal Approval

6:30 PM REGULAR SESSION

Call to Order: Chair Chris Howden

Invocation: Commissioner Jerry Abbott

Pledge of Allegiance: Commissioner Sherry Kramer

The meeting was called to order by Commissioner Chris Howden as a regular session at 6:32 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 Kramer.

PRESIDING: Commissioner Chris Howden

COMMISSIONERS

PRESENT: Jerry Abbott, Sherry Kramer, Debra Maughan, Audrey Moore, Trent Thayn, Wesley Warren

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, Shawn Eliot – Hales Engineering, Council Member Doug Courtney

1. CLOSED MEETING

The Planning Commission will recess to convene in a closed meeting to discuss items, as provided by Utah Code Annotated §52-4-205. It is anticipated that the Planning Commission will reconvene in open meeting by 7:00 PM.

Commissioner Maughan MOVED that the Planning Commission recess the regular Planning Commission meeting to convene in a closed meeting in the executive conference room to discuss pending or reasonably eminent litigation as provided by Utah Code annotated §52-4-205.

Commissioner Thayn SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Absent</i>

The motion carried 5:0

Commissioner Abbott arrived at 6:44 PM and joined the closed meeting.

Commissioner Warren arrived at 6:53 PM and joined the closed meeting.

The regular session was reconvened at 7:08 PM.

2. UNSCHEDULED PUBLIC APPEARANCES

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

None was given.

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 – August 13, 2025 (PC/CC General Plan Workshop)** *General City Management*
Stephannie Cottle, City Recorder
- b. Approval of Meeting Minutes – September 23, 2025** *General City Management*
Heather White, Deputy City Recorder

Commissioner Thayn MOVED to approve the August 13, 2025 and September 23, 2025 meeting minutes.

Commissioner Maughan SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

The motion carried 7:0

4. ACTION ITEMS

a. PUBLIC HEARING/ORDINANCE: Text Amendment – Well Drilling Conditional Use

Consolidation: Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commissioner will hold a public hearing to consider and make a recommendation regarding the consolidation of the well drilling conditional use into the Public Utilities zone.

Mr. Patterson explained that city staff continued to work to consolidate and clean up city code regarding review and approval procedures, approving and recommending bodies, and allowed uses. He explained that the proposed amendment removed well drilling as an allowed conditional use in the R-1-40, R-1-30, and R-1-20 zones and added it to the public utility zone. He explained that wells serving only a resident's lot would be permitted, but wells drilled for a development would likely need to be in a public utility zone. He said the amendment did not apply to irrigation or ditches. The amendment applied to large substations.

Commissioner Howden opened the public hearing at 7:13 PM and asked for public comment. Hearing none, he closed the public hearing at 7:13 PM and called for a motion.

Commissioner Moore MOVED that the Planning Commission recommend approval of the proposed amendments.

Commissioner Thayn SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

The motion carried 7:0

b. PUBLIC HEARING/ORDINANCE: General Plan, – Comprehensive Update and Amendment,

Public Hearing General Plan Amendment (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator, Jay Baughman, Assistant City Administrator/Community Development Director

The Planning Commission will discuss the proposed comprehensive update and amendment to the General Plan, hold a public hearing, and make a recommendation to the City Council regarding the adoption of the draft amended General Plan if ready to do so.

Mr. Patterson reviewed the background and process for updating the general plan. He reviewed minor and supported changes as suggested by commissioners and staff. The commissioners discussed details of the

proposed plan. Mr. Patterson reviewed questions either from staff or submitted by commissioners. After discussing each topic, the commissioners requested the following changes:

- The active transportation roadside trail along SR-92 should be extended west to connect to Highland Boulevard, while also bringing in the Murdock Canal trail, in order to make the area more pedestrian and access friendly. They suggested that the use of the existing underpass be considered.
- The Placemaking concept should be included in the General Plan. They discussed updating city design standards. Mr. Patterson talked about using streetscapes and unified public amenities.
- The title of the map should be “Future Land Use” instead of “Potential Future Land Use.”
- The Placemaking concept, especially in town center, should include the civic center, services, and potential expansion. Commissioners discussed community events and programming within the town center.
- Add that the mixed-use, commercial, and office areas should be walkable and be integrated with the city’s trail and park network.
- All gateways into the city should have consistency with similar thematic branding. The commissioners discussed defining main gateways into the city and having consistency between them.
- Dark sky and lighting requirements were discussed. The commissioners agreed that dark sky and lighting requirements should be mentioned in the general plan as aspirational.
- Referring to the description of mixed-use in the land use category, the commissioners agreed to take out “and other areas deemed appropriate.”
- The concept of sales tax pooling should be included in the General Plan. The commissioners thought it was important to note that Highland had existing commercial areas as well as sales tax gains from areas outside the city. Highland had neighborhood scaled commercial areas and the commissioners wondered if there was a way for the General Plan to encourage local shopping.
- Commissioners voiced concern regarding R-1-40 described as “feathering” into low-density single-family homes. After Mr. Patterson explained the concept of R-1-40 gradually moving to other low-density housing, they decided that it should remain as written.
- Parkway detail description and example should be included in the General Plan.
- Language should be added to Placemaking explaining that the city would incorporate Placemaking and streetscaping ideas into traffic calming measures. Commissioners agreed that traffic calming measures could be beautifying.
- Traffic calming should be noted generally in the General Plan instead of calling out specific streets. It was suggested to add something similar to “traffic calming is important to the character of the city.”
- Add a strategy for water conservation - incentives to use new smart irrigation controllers for private property.
- Add general language to ensure appropriate signage and regulations to protect trails from unauthorized

use. Concerns were voiced regarding high-powered e-bikes and scooters on trails.

- Add general language for the city to partner with agencies, private property owners, etc. in order to alleviate traffic in the canyon. Could also include language regarding a gateway feature or outdoor recreation facility by the canyon.

The following items were also discussed during the meeting. It was decided to approach each topic with city code rather than adding it to the General Plan:

- create updated city design standards
- define elements of the city's gateways
- define xeriscaping materials, maintenance, and public education
- consider ways to handle noise impacts of street racers and other loud vehicles
- define which e-bikes and scooters were not permitted on trails
- address specifics of trail signage
- consider ways to handle tree roots and the impact to sidewalks
- discuss water conservation strategies and public education

Commissioner Howden opened the public hearing at 9:02 PM and asked for public comment.

City Council Member Doug Courtney thanked the Planning Commission for their hard work and attendance at extra meetings in order to complete the draft amendment.

Commissioner Howden thanked city staff for their hard work. He called for additional public comment. Hearing none, he closed the public hearing at 9:03 PM and called for a motion.

Commissioner Warren MOVED that the Planning Commission recommend that the City Council adopt the comprehensive update and amendment to the Highland City General Plan and Transportation Master Plan, as presented tonight, including the discussed changes, and incorporating all changes and additions approved by the Planning Commission tonight.

Commissioner Maughan SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

The motion carried 7:0

5. COMMUNICATION ITEMS

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

It was mentioned that the City Council meeting to discuss the proposed General Plan will be held on November 18 with possible approval on December 2.

ADJOURNMENT

Commissioner Thayn MOVED to adjourn the meeting. Commissioner Abbott SECONDED the motion. All were in favor. The motion carried.

The meeting ended at 9:05 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 28, 2025. The document constitutes the official minutes for the Highland City Planning Commission Meeting.



PLANNING COMMISSION AGENDA REPORT ITEM #3a

DATE: January 27, 2026
TO: Planning Commission
PREPARED BY: Rob Patterson, City Attorney/Planning & Zoning Administrator
SPONSORED BY: City Staff
SUBJECT: Text Amendment - Preconstruction Meetings and Requirements
TYPE: Development Code Update (Legislative)

PURPOSE:

The Planning Commission will hold a public hearing and consider proposed amendments related to preconstruction meetings.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing, consider the proposed amendments, and recommend approval of the proposed amendments with any changes desired by the Planning Commission.

PRIOR REVIEW:

No prior review.

BACKGROUND & SUMMARY OF REQUEST:

Highland City has long had a practice of requiring developers of subdivisions and new commercial projects to hold a preconstruction meeting with City public works staff prior to commencing any site work or development activity. The purpose of this meeting is to familiarize the developer and their team with the City's public works superintendents that will be inspecting the improvements, remind the developer and their team of City standards and best practices, and ensure that certain requirements are met related to inspection fees and procedures, bonding, and SWPP.

While this has long been a practice of Highland City, there is no requirement in our code for developers to hold this meeting. Staff desires to make it clear that receiving approval of a subdivision or site plan does not automatically entitle the developer to immediately begin work on the site. Accordingly, the proposed amendments add a new section to the City's Development Code that outlines the preconditions that must be met after site plan/subdivision approval and before development/ground disturbance. These preconditions are:

1. Hold a preconstruction meeting with city staff, developer, developer engineer, and developer contractor superintendent
2. Provide paper copies of plans to be stamped by the City approved for construction
3. Require approved for construction plans to be on-site at all times
4. Pay inspection fees
5. Provide bonding estimates and bonds, as necessary

6. Execute the City's public improvement agreement, wherein the developer agrees to undertake construction in accordance with City standards and the approved plans
7. Get their UPDES/SWPP permit

STAFF REVIEW & PROPOSED FINDINGS:

Staff believes that the proposed amendments reflect and solidify current practices. Adopting the proposed amendments will ensure that developers understand their pre-development obligations and work with staff to undertake development in accordance with City standards.

Notice of the proposed amendments and public hearing was published on January 15, 2026. No comments were received as of writing this report.

MOTION:

I move that the Planning Commission recommend approval of the proposed amendments related to preconstruction requirements.

[Planning Commission may specify additional or different amendments to be recommended]

ATTACHMENTS:

1. Proposed Preconstruction Meeting Amendments

2-706 Prerequisites to Development Activity

Prior to initiating any development activity pursuant to an approved final plat and subdivision improvement plan or pursuant to an approved site plan, the applicant shall comply with each of the following items:

1. Attend a preconstruction meeting with City staff, as follows:
 - a. The applicant shall schedule the preconstruction meeting with the City Engineer or their designee.
 - b. The applicant shall ensure each of the following attend the preconstruction meeting:
 - i. The applicant or a duly authorized representative thereof;
 - ii. The owner(s) of the property being developed or a duly authorized representative thereof, if different than the applicant;
 - iii. The applicant's engineer; and
 - iv. A representative of the applicant's contractor who will be primarily responsible for on-site coordination of construction and development activity.
 - c. The applicant shall provide paper copies of the approved subdivision improvement plans, in quantities and sizes as required by the City Engineer, which shall be stamped at the preconstruction meeting as approved for construction by the City Engineer or their designee.
 - d. The applicant shall provide a copy of the notice of intent for stormwater discharges and documentation the applicant is working to obtain their UPDES stormwater permit.
2. Ensure that the stamped, approved for construction plans are on-site prior to beginning development activity and at all times development activity is occurring.
3. Pay all inspection and stormwater pollution prevention and inspection fees.
4. In accordance with Chapter 6, provide estimates and bids showing the costs of completion of all required improvements and provide all required assurances.
5. Execute and deliver to the City the Public Improvement Agreement.

1.6. Obtain an UPDES stormwater permit.



PLANNING COMMISSION AGENDA REPORT ITEM #3b

DATE: January 27, 2026
TO: Planning Commission
PREPARED BY: Rob Patterson, City Attorney/Planning & Zoning Administrator
SPONSORED BY: City Staff
SUBJECT: Text Amendment - Development Assurance Requirements
TYPE: Development Code Update (Legislative)

PURPOSE:

The Planning Commission will hold a public hearing and consider proposed amendments related to development assurances.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing, consider the proposed amendments, and recommend approval of the proposed amendments with any changes desired by the Planning Commission.

PRIOR REVIEW:

The Planning Commission most recently reviewed changes related to development assurances April 22, 2025, when the City was required to update its code in order to comply with new state law. Those changes included the new requirement for deadlines for inspections of improvements, limitations on when warranty assurances could be required, required assurances to be classified by different infrastructure categories, and modified how assurances can be kept and released.

The Planning Commission has not previously reviewed the changes proposed with this item.

BACKGROUND & SUMMARY OF REQUEST:

By way of background, Highland City, like virtually all municipalities, requires developers to provide monetary assurances related to new public improvements that will be constructed as part of a new development. These assurances are often informally referred to as "bonds," though the City does not accept surety bonds as an assurance.

There are two types of assurances: performance guarantees, which is money provided or reserved for the City that guarantees that the developer will install and complete all required public improvements, and warranty assurances, which is money provided or reserved for the City that warranties that the improvements that were installed will remain in good condition for at least 1 year after installation. The city requires assurances in connection with new subdivisions and new non-residential site plans.

As City staff have implemented the changes required by state law adopted in May 2025, staff has found there are areas of uncertainty regarding how developers and the City are supposed to calculate the assurances. For new subdivisions, state law and city code provides that, before a plat can be recorded

and lots sold, the developer must either (1) complete all public improvements and provide a warranty assurance OR (2) provide a performance guarantee that covers the cost of all public improvements.

The issue staff has found is sometimes a subdivider will begin installing the required public improvements, but, at some point, will want to record the plat without completing all of the improvements. This is permitted, so long as the subdivider provides a performance guarantee for the remaining, incomplete improvements. The problem arises in calculating the cost of the incomplete improvements. Often, the subdivider will have an engineer's estimate or contractor's bid from when the subdivision was approved that shows the cost for all the improvements, but they will not provide an updated or new estimate or bid that just shows the remaining, incomplete improvements. This has led to confusion and delay as staff and the subdivider go back-and-forth trying to get final numbers in order to determine the amount of the performance guarantee so the subdivider can record the plat.

Accordingly, staff is proposing amendments to the chapter of the Development Code dealing with assurances. These changes clarify the information needed to be included in the estimate or bid and require the following:

- Provide an estimate or bid that identifies the costs of improvements, with materials, types, and quantities, classified according to the infrastructure categories required by state law (culinary, sewer, stormwater, transportation, PI, landscaping, parks/trails/open space).
- Provide an estimate or bid that quantifies and calculate the total costs of all improvements that are required with the development, regardless of whether any have been completed
- For subdividers that install some improvements then bond, provide a new or revised estimate or bid that quantifies the remaining improvements and contains a certification that the engineer or contractor has reviewed, revised, and updated the estimate or bid based on the completed work.

In addition to these changes, staff is also proposing amendments that clean-up redundant or unclear language throughout the chapter, clarify the City's right to use and collect assurance proceeds to cover all administrative, legal, and construction costs and the costs to clear any liens or encumbrances, add a provision that the City will return any excess assurance proceeds that are not required to cover the City's costs, establish the timing of when assurances are to be provided (site plans - before construction, subdivisions - before recording plat), and include a reference to the newly proposed preconstruction code language that is part of the other item on this agenda.

STAFF REVIEW & PROPOSED FINDINGS:

Staff believes that the proposed amendments will ensure the City can require accurate and updated information from developers who want to bond after completing some improvements. Adopting the proposed amendments will ensure that developers understand the City's expectations regarding development assurances. The proposed changes will also clarify some redundant and unclear language and cover some edge cases that could arise with developments. Staff therefore recommends that the Planning Commission hold a public hearing, consider the proposed amendments and any public comments, and recommend approval of the proposed amendments.

Notice of the proposed amendments and public hearing was published on January 15, 2026. No comments were received as of writing this report.

MOTION:

I move that the Planning Commission recommend approval of the proposed amendments related to development assurances.

[Planning Commission may specify additional or different amendments to be recommended]

ATTACHMENTS:

1. Proposed Assurance Code Amendments

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 remaining improvements.

1.2. 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 110% 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.

2.3. 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.

3.4. The improvement warranty assurance shall be one of the forms permitted for a performance guarantee and shall be in an amount not less than the lesser of 10% of the estimated cost of constructing all the required improvements or, for subdivisions, the reasonably proven costs of completion of all the required improvements, regardless of whether a performance guarantee was provided for the improvements and regardless of the amount of the performance guarantee. 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.

a. ~~The warranty assurance shall be 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.~~

5. ~~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. The amount of the performance guarantee and warranty assurance is determined by the cost of the required improvements, which shall be calculated as follows:~~

a. ~~The cost of required public landscaping improvements and infrastructure improvements shall be evidenced by engineer's estimates or licensed contractor's bids, prepared in accordance with the following:~~

i. ~~Each engineer's estimate or licensed contractor's bid shall identify, classify, and calculate the costs of the required improvements, including materials, types, and quantities, using the infrastructure improvement categories set forth in this Chapter.~~

ii. ~~An engineer's estimate or licensed contractor's bid shall be provided that identifies and calculates the total cost of all required improvements, regardless of whether some or all of the required improvements have been installed and accepted.~~

iii. ~~If some or all of the required improvements have been installed and accepted prior to the provision of a performance guarantee, an engineer's estimate or licensed contractor's bid shall be provided that identifies and calculates the costs of all required improvements that remain to be completed, installed, and accepted that can be used to calculate the amount of the performance guarantee. This estimate or bid may not be the same estimate or bid provided to calculate total cost of all required improvements unless the estimate or bid is revised and the engineer or contractor signs the revised estimate or bid or otherwise certifies in writing that they have reviewed and revised the estimate or bid has been to accurately reflect the costs, materials, types, and quantities of the remaining improvements.~~

b. The Land Use Authority may reject or require corrections to an engineer's estimate or licensed contractor's bid if it does not conform to the requirements of this Chapter, if the materials, types, and quantities identified in the estimate or bid do not correspond with or reflect the approved construction plans and the improvements completed and remaining to be completed, or if the estimate or bid prices do not reasonably reflect the costs of construction or materials.

6-103 Security: Site Improvements/Project Completion

The following articles shall apply to all commercial and residential developments within Highland.

1. Site Improvements.

- a. **Guarantee.** To guarantee the construction, installation, repair, and/or replacement of required public improvements, the permittee shall post both a performance guarantee and warranty assurance as set forth herein in the total amount of 120% for the public improvements and landscaping of which 10% is held after the public improvements and landscaping have been accepted by the city to warranty those public improvements and landscaping improvements. The performance guarantee shall secure the developer's obligation to construct, install, repair, and replace required public improvements in accordance with City standards and the approved development plans. The warranty assurance shall secure the developer's unconditional warranty as to the workmanship, design, materials, construction, and durability of the improvements for the improvement warranty period. The improvements covered by such assurances shall include the following:

 - i. Public Improvements as listed or shown on the approved construction plans or subdivision improvement plans, including but not limited to:

 - (1) Curb, gutter and sidewalk
 - (2) Storm sumps and drainage systems
 - (3) Asphalt paving
 - (4) Fire hydrants
 - (5) Fencing
 - (6) Landscaping sprinkling systems
 - (7) Water and sewer lines
 - (8) Driveway approaches
 - (9) Any other required improvements
 - ii. Public landscaping (if commercial or public/institutional building or if landscaping or open space is required)

b. Timing of Performance Guarantee. For subdivisions, the performance guarantee shall be provided as set forth in Section 6-104. For all other developments, the performance guarantee shall be provided prior to commencing development activity.

c. Timing of Warranty Assurance.

i. For subdivisions, the warranty assurance shall be provided 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.

ii. For all other developments, the warranty assurance shall be provided with the performance guarantee.

b.d. Calculation of Amount of Security. The amount of the performance guarantee and warranty assurance shall be calculated in accordance with one or more engineer's estimates or licensed contractor's bids as set forth in this Chapter. In calculating the amount of the performance guarantee and warranty assurance, the City Engineer may accept the amount specified in a construction bid as the reasonable cost of the improvements, if the owner or the owner's engineer signs a statement that they have reviewed the construction bid and that they affirm that the construction bid contains all items in such quantities and materials as is required by the approved subdivision improvement plans.

e.e. Damage. The performance guarantee and warranty assurance shall also guarantee the repair or replacement of any public improvements damaged by the contractor or owner or their agents during construction.

d.f. The City shall notify the owner and/or contractor of any such damage and shall require repair or replacement of the damaged public improvements within a reasonable time. Upon the failure of the owner or contractor to make the specified repairs, the City may take whatever legal action it deems appropriate, including foreclosure on the performance guarantee and warranty assurance, to secure the repairs.

e.g. Release. All performance guarantees shall be valid and shall not expire for a term of at least two (2) years from issuance, and no performance guarantee shall be released until all improvements are completed and accepted by the City. The warranty assurance shall be valid and shall not expire or be released until after the improvement

warranty period. Partial releases of a performance guarantee may be permitted as set forth in this Chapter.

2. Project Completion.

- a. Security Required. In order to protect the City from incomplete or inadequate installation of the public improvements and ~~Landscaping~~, the ~~City requires the developer shall provide post~~ a performance guarantee and warranty assurance as set forth herein, ~~in the total amount of 120% for the public improvements and landscaping of which 10% is held after the public improvements and landscaping have been accepted by the city to guarantee those public improvements and landscaping improvements. Also, all landscaping requirements associated with each commercial or public/institutional building shall be installed and assurances provided therefor prior to the final building inspection associated with a building permit and issuance of a Certificate of Occupancy.~~
- b. Construction According to Approved Plans. All construction shall be completed according to the approved plans on which the building permit(s) was issued or the approved subdivision improvement plans. The approved plans shall also include the site improvements shown on the approved site plan or subdivision improvement plans. Deviations from the approved plans must be approved in advance by staff, provided that requested deviations to the site plan do not increase or decrease the approved building square footage or cost of improvements by five percent (5%) and that the project as a whole does not exceed the total approved square footage or approved estimate of costs (zero sum). If changes are requested that exceed a five percent (5%) increase or decrease, the plans must be submitted by the applicant to be reviewed and approved in the same manner as the original plan approval.
- c. Security for Completion. No certificate of occupancy will be issued unless the building and the site improvements associated with or required for that building or associated lot or parcel are completed, or the developer has provided adequate assurances to guarantee completion and durability of the associated site improvements. When the site improvements and the building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may issue a certificate of occupancy or use inauguration for the project, provided the following conditions are met:
 - i. The building, buildings, or portions thereof, to be occupied have been constructed in accordance with the approved plans for

those buildings and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished; and,

- ii. The Building Inspector determines that occupancy of the buildings, or portions thereof, prior to completion of required site improvements, is safe and that access for emergency vehicles is adequate with the site improvements unfinished; and,
- iii. The developer posts adequate assurances for the benefit of the City to insure completion and durability of the site improvements in full compliance with the approved plans before occupancy or inauguration of use.

d. Amount of Security. The total amount of assurances to be posted under this Chapter by the developer shall be determined by the City Engineer, and shall be equal to 120% of the amount reasonably estimated by the developer and City Engineer as being necessary to complete remaining site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Engineer, the developer may prove a lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of assurances required shall be 120% of the total contract price of all such contracts submitted, plus 120% of the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

3. Terms of Security.

- a. The terms of any assurance offered to the City shall include the following:
 - i. Incorporation by reference of the approved development plans and all data required which is used to compute the cost of the improvements.
 - ii. The improvements shall be completed to the satisfaction of the Land Use Authority and according to City standards, as established by the City and accepted.

iii. ~~state aA~~ date certain by which the developer agrees to have site improvement work completed in accordance with the plans.
~~After completion of the improvements covered by the assurances and the developer's obtaining from the City a final inspection approval, the City shall release the performance guarantee, up to the amount of 110% of the contract price and retain the remaining 10%, consisting of the warranty assurance, to guarantee those improvements.~~

iv. The amount of all assurances shall be as set forth in this Chapter.

v. 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 and they shall be released upon written demand of the Land Use Authority.

vi. In the event that the developer has not completed required improvements by that date, the City may, at its option and on its schedule, draw on the assurances, by its own act, to complete the improvements, and shall not be required to obtain consent of developer or any other person to withdraw funds for completion of the work shown on approved plans. 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.

vii. If the assurance proceeds are inadequate to pay the cost of the completion of the improvements according to City standards, which costs include administrative and legal costs, for whatever reason, including previous reductions, then the developer shall be responsible for the deficiency. The City may withhold building permits and certificates of occupancy until the improvements are completed, in accordance with state law.

viii. 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 included in the costs of completion of the improvements and shall be deducted from the assurance proceeds or paid by the developer.

ix. The developer agrees to hold the City harmless from any and all liability associated with the City's completion of improvements or that 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.

x. The City shall in no way be a guarantor of the developer to any person, nor shall the City be responsible or liable for the completion of the improvements.

i.xi. The City's actual costs in foreclosing on an assurance and administering the completion of work in the event of a default by the developer, including administration costs, attorney fees, and other costs of collecting the assurance proceeds, shall be reimbursed from the assurances or the developer. If the proceeds of the assurance exceed the City's costs of completion, the excess proceeds shall be returned to the developer or provider of the assurance.

e.b. Form of Security. Assurances and other security arrangements offered in lieu of simultaneous completion of buildings and site improvements shall be in a form and contain such terms and conditions as required by this Chapter.

f. Payment of Interest. Any interest accruing on an assurance shall, inure to the benefit of the developer upon release and not to the City, provided all improvements have been installed as required; otherwise interest will inure to the City.

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 provide a performance guarantee and 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 performance guarantee and agreement shall meet all requirements of this Chapter, including 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.
 - 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 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.~~
 - 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 and they shall be released upon written demand of the Land Use Authority. 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 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.~~

6-105 Performance Guarantee — Contractor Construction of Improvements

1. All public improvements required under this Title shall be installed by a contractor or subcontractors licensed by the State of Utah.
- 1.2. All contractor, mechanic, materialman, preconstruction, construction, mortgage, and any other similar lien or encumbrance shall be cleared and removed from public infrastructure and landscaping improvements prior to acceptance by the City. The City may use any assurance provided under this Chapter to clear any lien or encumbrance that remains in violation of this Section.
3. Prior to beginning construction or other development activity, the developer, with their engineer and contractor(s), shall schedule and attend a preconstruction meeting and meet all other requirements as set forth in Section 2-706 and this Chapter.
2. Prior to the installation of such improvements, the contractor or subcontractor shall obtain the necessary permits from the City and file a performance guarantee and warranty assurance in a total amount equal to 120% of the cost of installation of the improvements, as set forth in this Chapter.



PLANNING COMMISSION AGENDA REPORT ITEM #4a

DATE: January 27, 2026
TO: Planning Commission
PREPARED BY: Rob Patterson, City Attorney/Planning & Zoning Administrator
SPONSORED BY:
SUBJECT: General Plan, 2026 Goals, and Detached ADUs
TYPE: General City Management

PURPOSE:

City Staff and the Planning Commission will review the adopted General Plan and discuss goals for the upcoming year.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission give direction on any goals or projects the Commission would like to work on in 2026.

PRIOR REVIEW:

BACKGROUND & SUMMARY OF REQUEST:

On January 20, 2026, the City Council adopted and approved the new General Plan, pursuant to the recommendation of the Planning Commission. There were a few final adjustments, but once those are made, the final, adopted General Plan will be available on the [City's website](#), at highlandut.gov/225/General-Plan.

The General Plan has many goals, and as part of the moderate income housing element, there are some specific goals for 2026:

1. Draft and adopt an ADU ordinance for detached ADUs - in progress
2. Update the General Plan to allow mixed-use/higher density in Town Center and certain other location - completed
3. Draft and adopt a senior housing zone and/or explore a senior housing PD strategy, to apply to strategic areas such as the state-owned property south of Ridgeview - not started

As to detached ADUs (DADU), the Planning Commission previously started work on a draft ordinance, which is included with this report. Staff would appreciate any additional direction or input from the Planning Commission on what they would like to see as part of a final DADU ordinance. Staff will coordinate internally with public works to determine best strategies for how to handle utility connections and billing. Then we will bring back a final, draft ordinance for the Planning Commission to review and make a formal recommendation on.

On senior housing, staff will begin exploring zoning options, and bring those to the Planning Commission in a future meeting.

Additional staff goals for 2026:

- Update home occupation/business license regulations to reflect current procedures
- Consolidate and update parking standards
- Create a single, comprehensive Land Use Table for all uses in all zones
- Create a single process for site plan applications
- Update sight triangle regulations, which are inconsistent

Staff would appreciate understanding any specific goals that the Planning Commission has, whether from the General Plan or otherwise, so staff can incorporate them into future meetings and projects. One project, raised by Chair Howden, relates to the trail signage discussion. Staff would like to understand the Commission's goals and desires on this issue and any other project.

STAFF REVIEW & PROPOSED FINDINGS:

No action - discussion only.

MOTION:

No action - discussion only.

ATTACHMENTS:

1. ADU PC Proposal_1Dec23 2

12 December 2023 Planning Commission

FROM: Chris Howden, Jerry Abbott & Audrey Moore (planning commissioners)

PUBLIC HEARING/ORDINANCE: Text Amendment – ADU (accessory dwelling unit)

LEGISLATIVE: All proposed amendments to the Development Code shall be submitted first to the Planning Commission for a recommendation, which recommendation shall be submitted to the City Council for consideration. The review and approval of a text amendment is a legislative action.

PURPOSE: The Planning Commission will hold a public hearing to consider a request by Planning commission members to amend (10-102, 3-4109) relating to ADU's.

The Planning Commission will take appropriate

action.

BACKGROUND:

Highland has many long term (40yr+) residents. Many/most of these residents live on R-1-40 or greater. All of them have deep neighborhood ties nurtured by decades of service and significant work. They have contributed significantly to our city. We owe them a profound debt of respect and gratitude. As these senior citizens wish to downsize their only current viable option is to move to a new neighborhood. This occurs in parallel with medical challenges incident to age. The new neighbors do not know them & cannot provide the social, emotional, spiritual and community support existing support circles can provide. We already know them. We love them. The intent of this proposal is to provide a financially sound, dignified option for our esteemed senior citizens to continue to live in their existing neighborhoods with their long established

support networks—whilst downsizing, having the option to live separately and potentially reaping a financial windfall. This also provides a option for new students/newly weds.

Current Highland code only allows ADU's if they are attached via a breezeway/common roof—essentially a home addition masquerading as a ADU.

SUMMARY OF THE REQUEST:

1. Existing city code applies to all scenarios (unless noted by exception)
2. Delete current ADU “breezeway” requirements. Current remodel code covers any desire to increase home size.
3. Replace current ADU text with true “detached” ADU text that has the following core elements:
 - a. Detached from main dwelling
 - b. One of the dwellings (main or ADU) must be

owner occupied. No exceptions.

c. 750 ft² max

d. ADU size becomes part of existing code “out building” % lot size

e. R-1-40+ only

f. ADU must have at least 1 x kitchen & 1 x bathroom

g. Allowed as part of a larger structure (barn, shop, sports court, etc). ADU size maximums apply.

h. Limit 1 x ADU per lot

i. Must have 1 x ADU dedicated off street parking lot

j. Tie into existing utilities. No separate utilities.

k. All existing city codes apply with exceptions below:

i) Given the absence of any city wide architectural standards mandate “...architectural

standards complimentary to existing home...”

ii) height limit = 20' ***should we submit a separate height & setback ordinance***

iii) setback limit = 20' ***should we submit a separate height & setback ordinance***

iv) mandate easy access compliance (3' doors/passageways)?

ANALYSIS:

1. This not only provides an option for senior citizens to stay within the community where they have the most support, it also provides a sensible option for starter home families.

2. Public works recommends considering impact fees. Pro: money for infrastructure. Con: we do not charge impact fees for a remodel. A homeowner can double the size of their home with no impact fee through the remodel process. No impact fees suggested. Regular building permit fees apply.

3. Although not the intent, this does provide

Highland city with a unique, controlled approach to address moderate income housing mandates. It also sets up the framework to make enhancements with limited code adjustments.

4. Access for fire & EMT services? (sewer slope requirements force practical location)

CITIZEN PARTICIPATION:

Notice has been given for two (2) previous working sessions dedicated to the topic of ADU's. No public comment was received.

Notice of the public hearing to be held at the Planning Commission meeting was published in the Daily Herald on [...] and posted on the state and city websites [...]. No comments have been received.

FINDINGS:

The proposed amendment appears to meet the

following findings:^[1]• The amendment is consistent with the goal outlined in the General Plan “to ensure that all necessary public services and uses are provided to meet future needs.”

- The amendment is consistent with UT State mandates to compel low/moderate income housing alternatives

RECOMMENDATION AND PROPOSED MOTIONS:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to (10-102, 3-4109) relating to ADU's

ALTERNATIVE MOTIONS:

I move that the Planning Commission recommend **DENIAL** of the proposed amendment to (10-102, 3-4109) relating to ADU's based on the following findings: (The Commission will need to draft appropriate findings.)

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures. Public works anticipate the potential for an increased load on existing infrastructure and services. This increased service load is estimated to be the same as (or less than) a standard remodel.

ATTACHMENT:

1. Ordinance