



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION AGENDA

Tuesday, June 22, 2021

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

VIRTUAL PARTICIPATION



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



Zoom: Call 1-346-248-7799 Meeting ID: 833 2822 7779



Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Commissioner Mino Morgese

Pledge of Allegiance – Commissioner Audrey Moore

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 or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. [Approval of Meeting Minutes](#) *Administrative*
Regular Planning Commission Meeting – May 25, 2021

3. [PUBLIC HEARING: TEXT AMENDMENT: PARCEL BOUNDARY ADJUSTMENTS, LOT LINE ADJUSTMENTS, AND PLAT AMENDMENTS](#)

Administrative

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code related to parcel boundary adjustments, lot line adjustments, and plat amendments to be consistent with House Bill 409. The Planning Commission will take appropriate action.

4. [PUBLIC HEARING: TEXT AMENDMENT: ACCESSORY DWELLING UNIT](#)

Administrative

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-624 Accessory Dwelling Unit to be consistent with House Bill 82. The Planning Commission will take appropriate action.

5. **PUBLIC HEARING: TEXT AMENDMENT: CONDITIONAL USE UPDATE**

Administrative

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections in Chapter 4 Conditional Use Procedure in the Development Code to be consistent with House Bill 409. The Planning Commission will take appropriate action.

6. **PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS**

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- July 6, City Council Meeting, 7:00 pm, City Hall
- July 20, City Council Meeting, 7:00 pm, City Hall
- July 27, Planning Commission Meeting, 7:00 pm, City Hall

Legislative: An action of a legislative body to adopt laws or policies.

Administrative: An action reviewing an application for compliance with adopted laws and policies.

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 via telephone, Skype, or other electronic means during this meeting.

CERTIFICATE OF POSTING

I, Kellie Bronson, the Planning Coordinator, certify that the foregoing agenda was posted at the principal office of the public body, at the Lone Peak Fire Station and Lone Peak Police Station, 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 17th of June, 2021.

Kellie Bronson, Planning Coordinator

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

HIGHLAND CITY PLANNING COMMISSION AGENDA

Tuesday, May 25, 2021

Waiting Formal Approval

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

VIRTUAL PARTICIPATION

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

 Zoom: Call 1-346-248-7799 Meeting ID: 820 3295 1846

 Email comments prior to meeting: planningcommission@highlandcity.org

7:05 PM REGULAR SESSION

Call to Order – Mino Morgese, Vice Chair

Invocation – Commissioner Chris Howden

Pledge of Allegiance – Commissioner Claude Jones

The meeting was called to order by Planning Commission Chair Jerry Abbott as a regular session at 7:05 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 Chris Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Claude Jones.

PRESIDING: Commissioner Jerry Abbott

COMMISSIONERS

PRESENT: Jerry Abbott, Seth Barrus, Chis Howden, Claude Jones, Audrey Moore, Mino Morgese, Tyler Standifird

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Attorney Rob Patterson, Public Works Technician JoAnn Scott, Planning Commission Secretary Heather White

OTHERS PRESENT:

1. COMMISSIONER TRAINING

H.B. 409 requires that each member of the Planning Commission complete 4 hours of annual land use training. Rob Patterson will give a training on the powers and duties of Planning Commissioners.

City Attorney Rob Patterson explained that the Utah State legislature recently passed a new requirement that planning commissioners had to receive four hours of training annually. He said they could not take a vote until one hour of training was complete. An email was sent out with links to videos that the planning commissioners watched prior to the meeting. Mr. Patterson explained that this training would complete the one-hour requirement before votes were taken. Mr. Patterson talked about land use authority and appeals authority and how they related to the Highland planning commission. He said the planning commission was an entity required by the State for the purpose to issue recommendations. He talked about the difference between legislative and administrative matters. The commission discussed the current city code requirements for holding public hearings for administrative processes. Commissioner Abbott thought it was better if administrative processes were not open to the public. He thought it was confusing to the public when comments could not be considered in recommendations. Commissioner Morgese wondered if the commission could make recommendations based on public comments during a meeting. Mr. Patterson said yes and no. He explained differences when they could make recommendations with binding conditions. Commissioner Morgese wondered why public hearings for administrative matters were required. Mayor Mann explained that the council recently discussed the matter. He said he supported not having public hearings on administrative matters, however, when the council reviewed the code, they wanted to keep the public hearings. They thought it was important for residents to have a voice. Mayor Mann suggested that Commissioner Abbott send an email to the councilmembers. Commissioner Howden agreed that the planning commission should not hold public hearings on administrative matters. He mentioned that recently residents were upset about roads, but there was nothing that could be done about it. Commissioner Moore thought there needed to be some kind of public education. Mr. Crane suggested that the commissioners meet with the council to discuss the matter. Commissioner Abbott agreed. Mr. Patterson explained that the planning commission also advised the council on the general plan for the city. He said the planning commissioner was an appointed public body who conducted business of the public in the public. Discussion followed regarding steps taken to make general plan amendments with various work sessions with the council.

2. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. Approval of Meeting Minutes *Administrative***
Regular Planning Commission Meeting – April 27, 2021

Commissioner Morgese MOVED to approve the minutes for the April 27, 2021 Planning Commission meeting. Commissioner Jones SECONDED the motion. All present were in favor. None were opposed. The motion carried.

4. PUBLIC HEARING: TEXT AMENDMENT: NUISANCES *Administrative*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code related to the nuisance of noise in commercial zones. The Planning Commission will take appropriate action.

Mr. Patterson explained that after reviewing the current code for noise and nuisance, staff found that it was lacking and needed to be updated. He said there was a particular issue with the town center area. He explained that the council recently amended the noise and nuisance ordinance of the municipal code and set objective standards. He said the development code now needed to be compliant the municipal code. Mr. Patterson said the amendment included three different property types and restrictions and noise levels set for them. Property types were defined as Type A – residential, Type B – other uses (churches, schools, etc.) allowed in residential zones, and Type C – everything else. He reviewed the noise level threshold with each property type. He said there were exceptions for snowblowers, lawnmowers, emergency generators, etc. He explained that according to the proposed amendments, noise would be measured at the property line. If needed, commercial development would put in sound barriers.

Commissioner Standifird talked about decibel levels for regular conversation. Mr. Crane further explained the proposed amendment. He said the ambient noise level would be considered in each zone and then a maximum decibel would be established. He said the idea was to work with people to bring the noise level down so it was not impacting surrounding areas.

Commissioner Standifird wondered where the country club mowers would fit with the proposed changes. Mr. Patterson explained that daytime business hours started at 7:00 AM, and mowers were exempt. He mentioned that the proposed levels were higher than what was currently in the code but the planning commission could recommend different levels. The proposed numbers were based on Salt Lake City’s health department.

Commissioner Abbott opened the public hearing at 7:55 PM and asked for public comment. Hearing none, he closed the public hearing at 7:56 PM and called for a motion.

Commissioner Morgese MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to several sections of the Development Code relating to the nuisance of noise in commercial zones.

Commissioner Howden SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Seth Barrus</i>	<i>Yes</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>No</i>

Motion carried 6:1

5. PUBLIC HEARING: TEXT AMENDMENT: SPORTS AND FITNESS

Administrative

Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Chapter 10 Definitions in the Development Code to clarify permissible uses in C-1

Zone, CR Zone, and Town Center Overlay relating to sports, fitness, and social dances. The Planning Commission will take appropriate action.

Mr. Patterson said two different uses were defined and what was permitted in each zone. He said there were complaints of a particular commercial use and lack of clarity in the code. Definitions were added for “Social dance facilities” and “Sport and fitness centers”. He said it was never the intent to have a Sports and Fitness Center host a dance that was open to the public. He said the city’s perspective was that social dances were never an allowed use for Sports and fitness centers. He pointed out that Highland’s business hours of operation were 7:00 AM to Midnight with nighttime hours starting at 10:00 PM. He said there were issues with hours of operation as well as the noise ordinance.

Commissioner Standifird asked about the difference between a dance hall and an occasional dance. He wondered if the difference and frequency needed to be distinguished.

Mr. Patterson read the proposed definition for Social dance facilities:

“Buildings or portions thereof kept or used for social or recreational dancing not part of an organized instruction or training program. Does not include dance studios, nor does it include schools or churches if the use of the school or church as a social dance facility is occasional and incidental to the primary use of the building.”

The commission talked about renting a country club for a wedding reception and having part of the reception be a dance. It was established that the country club would not comply with the code. It was pointed out that the current country club was in a different zone and the amendments would not apply to it. Mr. Patterson mentioned that the planning commission could include country clubs as an exception in the proposed amendment. They talked about the different situations that would be excluded with the amendment. Mr. Patterson explained that the amendment applied only to the CR and CR-1 Zones and the Town Center Overlay. It did not apply to residential zones.

Commissioner Standifird pointed out that according to the amendment the Sports and fitness centers could host an indoor soccer, basketball, or volleyball tournament with the same number of people, traffic, and noise levels until midnight. They just could not do a dance. Mr. Crane clarified that their hours of operation were until 10 PM.

Commissioner Abbott opened the public hearing at 8:07 PM and asked for public comment. Hearing none, he closed the public hearing at 8:08 PM and called for a motion.

Commissioner Jones MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Chapter 10 Definitions in the Development Code to clarify the permitted use of sports and fitness centers in the C-1 Zone, CR Zone, and Town Center Overlay.

Commissioner Morgese SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Seth Barrus</i>	<i>Yes</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>

Commissioner Audrey Moore	Yes
Commissioner Mino Morgese	Yes
Commissioner Tyler Standifird	No

Motion carried 6:1

6. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- June 1, City Council Meeting, 7:00 pm, City Hall
- June 15, City Council Meeting, 7:00 pm, City Hall
- June 22, Planning Commission Meeting, 7:00 pm, City Hall

Commissioner Abbott asked about rehab facilities mentioned in the training videos and how it applied to HOAs (homeowners associations). Mr. Patterson mentioned that there were several provisions in city code related to or regarding group homes, rehab centers, in-patient treatment homes, or residential facilities to provide a general guideline of the process. He said under ADA and other relevant provisions the city worked to provide accommodations where reasonable and necessary. He said they were handled on a case-by-case basis. Mr. Patterson explained that HOAs were private entities and not subject to ADA requirements like cities were. He said it was a tricky issue when trying to be sensitive to individual needs as well as resident needs and legal obligations. He explained that it could be in the code as a carefully worded ordinance. He said there was no quota regarding how many facilities a city had to have, but the city needed to provide for the use. He said the city could not prohibit the use.

Commissioner Abbott encouraged the commissioners to go to the meeting on Thursday with DR Horton. He asked Mayor Mann to ask the council about a joint work session.

ADJOURNMENT

Commissioner Jones MOVED to adjourn the regular meeting. Commissioner Morgese SECONDED the motion. All present were in favor. The motion carried unanimously.

The meeting adjourned at 8:29 PM.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 25, 2021. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary



PLANNING COMMISSION AGENDA REPORT ITEM #3

DATE: June 22, 2021
TO: Planning Commission
FROM: Kellie Bronson
Planner and GIS Analyst
SUBJECT: PUBLIC HEARING/ORDINANCE: Text Amendment – Parcel Boundary Adjustments, Lot Line Adjustments, and Plat Amendments – *Legislative*

PURPOSE:

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code related to parcel boundary adjustments, lot line adjustments, and plat amendments to be consistent with House Bill 409. The Planning Commission will take appropriate action.

BACKGROUND:

House Bill 409 was adopted this past legislative session. The bill modified provisions related to property boundary adjustments, subdivision amendments, and public street vacations and became effective as on May 5, 2021. Staff is requesting to update the Development Code to be consistent with this bill.

A development code amendment is a *legislative* process.

SUMMARY OF THE REQUEST:

1. The proposed amendment includes the following definitions:

Lot - 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.

Lot line adjustment - an adjustment of boundaries between a lot and other lots or parcels. Lot line adjustments require a plat amendment.

Parcel - any real property that is not a lot.

Parcel boundary adjustment - an adjustment of parcels that are not a lot. Parcel boundary adjustments do not require a plat amendment.

Plat amendment - any change or alteration to a recorded plat. The change may be a relocation or elimination 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. Plat amendments require the approval of each affected property owner and the City Council.

2. Parcel Boundary Adjustment Process

If the adjustment involves any parcel with a dwelling unit, it shall be submitted to Staff for review and approval before the deed(s) and Notice of Approval are recorded with the County. See the Ordinance for details.

3. Lot Line Adjustments and Plat Amendment Process

Radius notices are required to be sent out within 10 days of the public meeting to the property owners within 500 feet of the subject property. A public hearing is only required if:

- a. Any owner within the plat notifies the City of their objection in writing within 10 days of mailed notification;
 - b. All owners in the subdivision have not signed the reviewed plat; or
 - c. The petition contains a request to vacate some or all of a public street, right of way, or easement.
4. The proposed amendment emphasizes the protection of easements containing public water or sewer facilities and also clarifies that the City may submit a petition to vacate some or all of a public street, right of way, or easement.

ANALYSIS:

- These changes are needed to update the Development Code to clarify the difference between a parcel boundary adjustment and a lot line adjustment as defined by Utah State Code. Lot line adjustments will be required to go through the plat amendment process.

Current Process

Parcel and Lot line adjustment	Plat Amendment
-Application -Approval from Staff -Notice of approval recorded at the County along with parcel/lot adjustment	-Application -Public Hearing Notice (notices sent out to 500' radius around property) -Public Hearing held at City Council -Approval from City Council -Plat recorded at the County

Proposed

Parcel Boundary Adjustment	Plat Amendment (includes Lot line adjustment)
-Application -Approval from Staff -Notice of approval recorded at the County along with parcel/lot adjustment	-Application -Meeting Notice (notices sent out to 500' radius around property) -Approval from City Council -Plat recorded at the County

- Parcel boundary adjustments and plat amendments are administrative processes. The proposed amendment reflects the State Code where a public hearing is only required if:
 - any owner within the plat notifies the City of objection in writing within 10 days of mailed notification;
 - All owners in the subdivision have not signed the revised plat;
 - The petition contains a request to vacate some or all of a public street, right of way, or easement.

CITIZEN PARTICIPATION:

Notice of the Planning Commission meeting was published in the Daily Herald on June 5, 2021 and posted on the state and city websites June 3, 2021. No comments have been received.

FINDINGS:

The proposed amendment appears to meet the following findings:

- The amendment is needed to update the Development Code.
- The proposed amendment is consistent with the recent changes to Utah State Code found in HB 409.
- The proposed amendment is consistent with the General Plan.

RECOMMENDATION AND PROPOSED MOTION:

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 several sections of the Development Code related to parcel boundary adjustments, lot line adjustments, and plat amendments.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case TA-21-06 a request for a text amendment for several sections of development code 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.

ATTACHMENTS:

1. Ordinance
2. <https://le.utah.gov/~2021/bills/static/HB0409.html>

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS OF THE DEVELOPMENT CODE RELATING TO PARCEL BOUNDARY ADJUSTMENTS, LOT LINE ADJUSTMENTS, AND PLAT AMENDMENTS AS SHOWN IN FILENAME TA-21-06.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on June 22, 2021 and

WHEREAS, the City Council held a public hearing on this Ordinance on July 6, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code relating to parcel boundary adjustments, lot line adjustments, and plat amendments are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 7, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, July 7, 2021

HIGHLAND CITY, UTAH

Rodney W. Mann
Highland City Mayor

ATTEST:

Stephannie Cottle

Highland City Recorder

COUNCILMEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Kurt Ostler	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

EXHIBIT A

Article 5-10 Adjusting Property Boundaries; Amending A Recorded Plat

5-10-101 Purpose and Definitions

5-10-102 Parcel Boundary AdjustmentProperty Line Adjustments (exchange Of Title)

5-10-103 Lot Line Adjustments and Plat AmendmentsVacating Or Changing A Subdivision Plat (Plat Amendment)

5-10-104 Altering A Public Utility Easement

5-10-101 Purpose and Definitions

The purpose of this article is to provide the process for adjusting, altering, or 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 set forth herein and state law, state law controls. As used herein:

1. “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.
2. “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.
3. A “plat amendment” is means any change or alteration to a recorded plat. The change may be a relocation or elimination 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. Plat amendments require the approval of each affected property owner and the City Council. A plat amendment is an alternative to having to go through a subdivision application process in order to amend a recorded plat.
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. These regulations will ensure that:
 1. A plat amendment does not result in properties that violate the requirements of Development Code or any other standard of Highland City; and
 2. A plat amendment does not alter the coverage or availability of existing utility services to existing lots or parcels.

5-10-102 Parcel Boundary AdjustmentProperty Line Adjustments (exchange Of Title)

1. Owners of parcels desiring to adjust the boundaries of their parcels, including eliminating a common property line between two or more abutting parcels, shall follow the procedures set forth in Utah Code § 10-9a-523 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 (requires subdivision process);
- b. Involve a lot (requires lot line adjustment and plat amendment); or
- c. Involve any parcels with dwelling units (requires City approval).

~~1.2. 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 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 Zoning Administrator with any additional information deemed necessary to understand the application. Property Line Adjustment (PLA) is the relocation or elimination of a common property line between two or more abutting properties. A PLA does not create any new parcels or lots. A PLA is required to relocate or remove a common property line between two or more properties.~~

~~2.3. Standards. Property Parcel owners may adjust property lines between adjacent parcels that are described by either a metes and bounds description or a recorded plat, by exchanging title to portions of those parcels by quitclaim 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. Application and Fee. Application for a property line 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 Zoning Administrator with any additional information deemed necessary to understand the application.~~

4. Zoning Administrator Review.

- a. The Zoning Administrator shall act as the land use authority and review all the documents to determine if they are complete and that they comply with the requirements set forth above.

- b. If the Zoning Administrator determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Zoning Administrator shall approve the application.
 - c. If the Zoning Administrator determines that the requested property line adjustment does not comply with the standards set forth above, the Zoning Administrator shall deny the application. If the Zoning Administrator denies the application, the Zoning Administer 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 Zoning Administrator 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 Zoning Administrator's decision to the City Council.
5. Conveyance of Title. After approval, the applicant shall:
- 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. Provide the Zoning Administrator with a recorded copy of the Notice of Approval.

~~4.6.~~ A 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 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.

5-10-103 Lot Line Adjustments and Plat Amendments~~Vacating Or Changing A Subdivision Plat (Plat Amendment)~~

1. Application Required. A plat amendment is the vacation, alteration, or amendment of a subdivision plat that is not ~~an a PLA, or~~ 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.
2. City Council Consideration. The City Council may, ~~with or without petition,~~ consider ~~any petition proposing a proposed~~ vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot, public street, right of way, or easement lot, ~~or alley~~ contained in a subdivision plat.

~~3. Public Hearing Required.~~

- ~~a. The City Council shall consider the petition vacation, alteration, or amendment of a subdivision, or any street or lot contained in a subdivision plat at a public hearing meeting after giving the notice required by this section.~~

~~a.b. A public hearing is required If a petition is filed a public hearing shall be held if:~~

- ~~i. Any owner within the plat notifies the City of their objection in writing 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.~~

~~b.c. No public hearing is required The City Council shall consider the vacation, alteration, or amendment of a subdivision, or any street or lot contained in a subdivision plat at a public meeting after giving the notice required by this section 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 within 10 days of mailed notification; or~~

~~ii. All owners in the subdivision have or will sign the revised plat;~~

~~iii. The petition seeks 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.~~

4.3.Notice.

- a. Notice for a plat amendment shall be given as required by Section 10-9a-207 Utah Annotated Code, as amended. Mailed and addressed notices shall be sent to owners of real property located within 500 feet of the property.
- 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 as amended.

5.4.Grounds for Vacating or Changing a Plat.

- a. The City Council may vacate, alter or amend the plat or any portion of the plat if the Council 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;
 - ~~ii.~~iii. All easements containing existing public water or sewer facilities are identified and preserved;
 - ~~iii.~~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
 - ~~iv.~~v. The proposed amendment meets all the requirements of the Development Code.
- b. The Zoning Administrator shall notify the applicant in writing regarding the Council's decision.

6.5.Grounds for Vacating Street, Right-of-Way or Easement

- a. The City Council may consider and adopt an ordinance or approve a plat amendment vacating a public street, right-of-way, or easement if City Council 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;
 - ~~ii.~~iii. All easements containing existing public water or sewer facilities are identified and preserved; and
 - ~~iii.~~iv. The proposed vacation meets all the requirements of the Development Code.

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

7.6. 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.

~~a.b.~~ City. The City may submit a petition to vacate some or all of a public street, right of way, or easement.

~~b.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.

8.7. Preparing the Amended Plat.

- a. The surveyor preparing the amended plat shall verify that the surveyor:
 - i. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by State Law;
 - ii. Has completed a survey of the property described on the plat in accordance with State Law and has verified all measurements; and
 - iii. Has placed monuments as represented on the plat.
- b. The amended plat shall meet all of the requirements for a final plat as contained herein.
- c. The City shall ensure that the amended plat showing the vacation, alteration, or amendment are recorded in the office of the County Recorder.
- d. The City Council may vacate a street, public right-of-way or easement by ordinance. The City Council may require an amendment plat if it finds that an

amended plat is necessary to accurately portray the action and is in the public interest.



PLANNING COMMISSION AGENDA REPORT ITEM #4

DATE: June 22, 2021
TO: Planning Commission
FROM: Kellie Bronson
Planner and GIS Analyst
SUBJECT: PUBLIC HEARING/ORDINANCE: Text Amendment – Accessory Dwelling Units – *Legislative*

PURPOSE:

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-624 Accessory Dwelling Unit to be consistent with House Bill 82. The Planning Commission will take appropriate action.

BACKGROUND:

House Bill 82 was adopted this past legislative session. The bill defined the regulations that municipalities can place on accessory dwelling units. These provisions will be effective as of October 1, 2021. Staff is requesting to update the Development Code to be consistent with this bill.

A development code amendment is a *legislative* process.

SUMMARY OF THE REQUEST:

1. The proposed amendment includes the definition for an accessory dwelling unit found in Chapter 10 Definitions:

An accessory dwelling unit is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit.

The amendment clarifies the difference between an ADU and a short term rental. A unit is considered a short term rental if the renting/subleasing of the unit is for a period of less than 30 consecutive days. Short term rentals require a business license.

2. The proposed amendment prohibits ADUs on lots less than 6,000 square feet.
3. A minimum of one (1) off-street parking space shall be required.

4. A clarification is added that separate utility meters for the home and the ADU are not permitted.

ANALYSIS:

- The definition for Accessory Dwelling Unit (ADU) found in Chapter 10 Definitions is added to clarify the difference between an ADU and a short-term rental. Short term rentals require a business license as stated in Chapter 5.24 in the Municipal Code.
- The proposed amendment is consistent with the recent changes regarding internal accessory dwelling units in the Utah State Code found in HB 82.
- HB 82 allows cities to prohibit ADUs on lots less than 6,000 square feet. The intent of adding this to the proposed amendment is to help mitigate traffic and parking impacts on the high density planned development districts.
- HB 82 does not allow municipalities to require more than one (1) off-street parking space. The proposed amendment addresses this.

CITIZEN PARTICIPATION:

Notice of the Planning Commission meeting was published in the Daily Herald on June 5, 2021 and posted on the state and city websites June 3, 2021. No comments have been received.

FINDINGS:

The proposed amendment appears to meet the following findings:

- The amendment is needed to update the Development Code.
- The proposed amendment is consistent with the recent changes in the Utah State Code found in HB 82.
- The proposed amendment is consistent with the General Plan.

RECOMMENDATION AND PROPOSED MOTION:

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 Section 3-624 Accessory Dwelling Unit.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case TA-21-07 a request for a text amendment to Section 3-624 Accessory Dwelling Unit 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.

ATTACHMENTS:

1. Ordinance
2. <https://le.utah.gov/~2021/bills/static/HB0082.html>

ATTACHMENT 1:

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 3-624 ACCESSORY DWELLING UNIT AS SHOWN IN FILENAME TA-21-07.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on June 22, 2021 and

WHEREAS, the City Council held a public hearing on this Ordinance on July 6, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code relating to parcel boundary adjustments, lot line adjustments, and plat amendments are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 7, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, July 7, 2021

HIGHLAND CITY, UTAH

Rodney W. Mann
Highland City Mayor

ATTEST:

Stephannie Cottle
Highland City Recorder

COUNCILMEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Kurt Ostler	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

EXHIBIT A

3-624 Accessory Dwelling Unit

An accessory dwelling unit is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. If the renting/subleasing of the unit is for a period of less than thirty (30) consecutive days, it is considered a short term rental and requires a business license. See Chapter 5.24 in the Municipal Code for the regulating of short term rentals.

Accessory Dwelling Unit shall meet the following requirements:

- a. Accessory dwelling units shall only be permitted in single family homes that are owner occupied, on lots with at least 6,000 square feet, and served by adequate public facilities.
- b. Accessory dwelling units shall not be permitted in detached accessory buildings.
- c. A minimum of one (1) ~~two (2)~~ off-street parking spaces shall be provided for the accessory dwelling unit in addition to any other required parking spaces for the home. Any required parking spaces contained within a carport or garage that are lost due to the creation of the accessory dwelling unit shall be replaced or otherwise provided for through off-street parking.
- d. The minimum 70% front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code shall be provided.
- e. No more than one (1) accessory dwelling units shall be ~~considered-permitted~~ for each single family home.
- f. The unit and home shall be modified to meet all fire, safety, health and building codes as required by the Building Official and Fire Marshall.
- g. The front of the home shall ~~NOT~~not be modified in any form that will give the appearance that separate units are incorporated within the home except separate addresses and mailboxes.
- h. The primary entrance for the accessory dwelling units shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing or landscaping and is not visible from the street.
- i. Separate utility meters for the home and accessory dwelling unit are not permitted.
- ji. Applications for Accessory Dwelling Units shall be made in the Community Development Department on an application form with required documentation and accompanied with appropriate fees as required. All Accessory Dwelling Units shall be subject to review and approval by the Zoning Administrator. The Zoning Administer may

record a notice of approval for the accessory dwelling unit with the county recorder as provided by state law.

k. The City may enforce these requirements through any means available to the City, including by recordation of a lien in accordance with state law.



PLANNING COMMISSION AGENDA REPORT ITEM #5

DATE: June 22, 2021
TO: Planning Commission
FROM: Kellie Bronson
Planner and GIS Analyst
SUBJECT: PUBLIC HEARING/ORDINANCE: Text Amendment – Conditional Use
Update – *Legislative*

PURPOSE:

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections in Chapter 4 Conditional Use Procedure in the Development Code to be consistent with House Bill 409. The Planning Commission will take appropriate action.

BACKGROUND:

House Bill 409 was passed this past legislative session. The bill states that a “municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance...A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

This bill was effective as of May 5, 2021.

A development code amendment is a *legislative* process.

SUMMARY OF THE REQUEST:

1. The proposed amendment eliminates the requirement to hold a public hearing for a conditional use permit.
2. General review criteria were added to clarify what the Planning Commission and City Council shall review when recommending or approving a conditional use permit (see proposed amendment for details):
 - a. The site of the structure or use.

- b. The impact of the proposed building or use on surrounding uses.
- c. Conditions relating to safety of persons and property.
- d. Conditions relating to health and sanitation.
- e. Conditions relating to environmental issues.

3. Planning Commission Review and Recommendation

- a. The Planning Commission shall review the factors, standards, and ordinances applicable to the proposed use, including those set forth in this chapter.
- b. The Planning Commission may not require elimination of all detrimental effects as a condition of recommending approval if the detrimental effects can be reasonably mitigated.
- c. The Planning Commission shall recommend approval if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable, objective standards.

4. City Council Approval

- a. The City Council may not require elimination of all detrimental effects as a condition of approval if the detrimental effects can be reasonably mitigated.
- b. The City Council shall approve the conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable, objective standards.
- c. The City Council shall itemize, describe, and justify the conditions imposed on the use and the detrimental effects being mitigated by those conditions.

ANALYSIS:

- These changes are needed to update the Development Code to be consistent with Utah State Code.
- Utah HB 409 requires that a local land use authority establish objective standards for conditional uses; the General Review Criteria fulfills this requirement.
- The General Review Criteria may guide the Planning Commission and the City

Council to know what reasonable conditions may need to be imposed on a conditional use to mitigate reasonably anticipated detrimental effects.

- HB 409 clarifies that the decision to approve or deny a conditional use is an administrative land use decision. A public hearing is not required for a conditional use permit by Utah State Code.

CITIZEN PARTICIPATION:

Notice of the Planning Commission meeting was published in the Daily Herald on June 5, 2021 and posted on the state and city websites June 3, 2021. No comments have been received.

FINDINGS:

The proposed amendment appears to meet the following findings:

- The amendment is needed to update the Development Code.
- The proposed amendment is consistent with HB 409.
- The proposed amendment is consistent with the General Plan.

RECOMMENDATION AND PROPOSED MOTION:

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 several sections in Chapter 4 Conditional Use Procedure in the Development Code

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case TA-21-08 a request to amend several sections in Chapter 4 Conditional Use Procedure in the Development Code 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.

ATTACHMENTS:

1. Ordinance
2. <https://le.utah.gov/~2021/bills/static/HB0409.html>

ATTACHMENT 1:

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS IN CHAPTER 4 CONDITIONAL USE PROCEDURE IN THE DEVELOPMENT CODE AS SHOWN IN FILENAME TA-21-08.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on June 22, 2021 and

WHEREAS, the City Council held a public hearing on this Ordinance on July 6, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code relating to parcel boundary adjustments, lot line adjustments, and plat amendments are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 7, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, July 7, 2021

HIGHLAND CITY, UTAH

Rodney W. Mann
Highland City Mayor

ATTEST:

Stephannie Cottle
Highland City Recorder

COUNCILMEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Kurt Ostler	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

EXHIBIT A

4-104 General RequirementsPublic Hearing

~~The owners of real property located within 500 feet of the property for which a conditional use permit is sought shall be given written notice by the Planning Commission of the application thereof. "Property owners" for purposes of this notice shall be determined from the records of the County Recorder as of the date of the application for the conditional use permit. Applicants are required to provide the City with pre-addressed labels of all real property owners within 500 feet of the proposed property to be taken from the most current County assessor's roll a minimum of 12 days prior to the scheduled planning meeting. The applicant shall be responsible for any expense in obtaining the list of record property owners. Such notice shall inform them that they may protest granting of the conditional use permit within 14 days of such notice, and no conditional use permit shall be granted until expiration of that 14-day period. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 3 mile (1,320 feet). The map shall include the address of the subject property and shall be part of each notice required for the public hearing. A public hearing shall be held by the Planning Commission concerning the application for, and before recommending any conditional use permit. If notice given under this section is not challenged within 30 days from the date of the meeting for which the notice was given the notice shall be considered adequate and proper. Notice of the public hearing shall also be given in the manner required by Section 9-102.~~

1. Prior to submitting an application for a conditional use permit, the applicant shall meet with City Staff for a pre-application review as set forth in 2-601.
2. Highland City shall issue a conditional use permit if the City Council, with the recommendation of the Planning Commission, concludes that the application mitigates the reasonably anticipated adverse impacts of the proposed use and complies with all applicable federal, state, and city standards, or reasonable conditions can be imposed to accomplish the required mitigation and compliance. Where Highland City has not adopted a standard regarding a proposed use, the city shall require compliance with a reasonable and objective federal, state, county, or industry standard.
3. General Review Criteria — In reviewing an application for a conditional use permit, the Planning Commission and City Council shall review, but not limit their review, to the following considerations and standards where applicable to the application, and impose reasonable conditions based on such considerations, factors, and objective standards:
 - a. The site of the structure or use, and in particular:
 - i. Adequacy of site: The adequacy of the site to accommodate and contain the proposed use or building and all related activities and impacts.
 - ii. Screening: The location and possible screening of all outdoor activities.
 - iii. Adjoining Uses: The relation of the proposed building or use to any adjoining building with particular attention to protection of light, air, noise, dust, vibrations, fumes, odors, and peace and quiet.

iv. Displays and Signage: The location and character of any display of goods and services and the size, nature and light of any signs.

v. Traffic circulation and parking, and in particular:

(1) Street: The type of street serving the proposed use in relation to the amount of traffic expected to be generated.

(2) Access: The adequacy, convenience, and safety of provisions for vehicular access, internal circulation, and parking including the location of driveway entrance and exits.

(3) Truck traffic: The amount, timing, and nature of associated truck traffic.

vi. Site Features: The presence of important or sensitive features that may require additional mitigation or preservation efforts, such as natural or existing vegetation, water features, wetlands, wildlife habitats, view sheds, green spaces, scenic points, and historic sites.

b. The impact of the proposed building or use on surrounding uses, and in particular:

i. Impact of Patrons: The number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of public importance such as schools, libraries, playgrounds, religious or cultural meeting halls, and hospitals.

ii. Hours of Operation: Timing of business hours and delivery hours.

iii. Off-site Effects: Adequacy of provisions for the control of any offsite effects such as noise, dust, odors, light, or glare, etc.

iv. Special Hazards: Adequacy of provisions for protection of the public against any special hazards arising from the intended use.

c. Conditions Relating to Safety of Persons and Property

i. Flooding: Building elevations and grading plans, which will prevent, or minimize flood water damage, where property may be subject to flooding.

ii. Attractive Nuisances: The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.

iii. Increased Setbacks: Increased setback distances from lot lines where necessary to ensure the public safety and to prevent nuisances to adjacent properties.

- iv. Geological Hazards: Appropriate engineering, design, construction, and location of structures, buildings, and facilities, and limitations and/or restrictions on the use and/or location of uses due to slope or other special site conditions, including but not limited to geologically hazardous areas; flood plains, fault zones, and landslide areas.
- v. Lighting: Limitations and control of the number, location, color, size, height, type of lighting, and landscaping of outdoor advertising signs and structures that may present traffic hazards or interfere with adjacent properties.
- vi. Delivery Locations and Traffic Considerations: Plans for the location, arrangement, and dimensions of truck loading and unloading facilities and the reasonable and safe arrangement of parking spaces, traffic lanes, and delivery access.
- vii. Construction of Improvements: Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.
- viii. UDOT approval.

d. Conditions Relating to Health and Sanitation

- i. Culinary Water: A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the City Council
- ii. Wastewater: A wastewater disposal system and a solid waste disposal system meeting standards adopted by the City Council
- iii. Sizing of Utilities: Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.
- iv. Other Sanitary Facilities: Obtaining necessary approvals and construction of appropriate facilities to handle hazardous, dangerous, or sensitive materials, such as oil, grease, petroleum, and other products.

e. Conditions Relating to Environmental Issues

- i. Pollution: Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
- ii. Dust and Erosion: The planting of ground cover or other surfacing to prevent dust and erosion.

iii. Restoration of Land: Restoration of the land and planting of the same as directed by the Planning Commission when the Conditional Use involves cutting and/or filling the land, and where such land would be adversely affected if not restructured.

iv. Sensitive lands, waters, and habitats: Identification and mitigation of impacts to the sensitive environmental features.

1.4. The applicant shall provide sufficient information and evidence as part of their application to demonstrate the proposed conditional use's compliance with or satisfaction of the factors, standards, and ordinances applicable to the proposed conditional use, including those set forth in this chapter.

4-105 Planning Commission Review and RecommendationGeneral Requirements

The Planning Commission shall review the proposed conditional use and may recommend to the City Council reasonable conditions ~~additional requirements~~ to mitigate the reasonably anticipated detrimental effects of the proposed use as set forth below; ~~defined~~.

~~1. The Planning Commission may recommend to the City Council a conditional use to be located within Zone in which the particular conditional use is allowed by the provisions of this Title governing that Zone. In recommending any conditional use, the Planning Commission shall impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. A conditional use permit shall not be granted unless the evidence presented by the applicant is such as to show all of the following:~~

~~2. That such use will not under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.~~

1. That the proposed use will comply with regulations and conditions specified in this Code for such use. In reviewing the application and proposed conditional use, the Planning Commission shall review the information provided by the applicant and city staff and the factors, standards, and ordinances applicable to the proposed use, including those set forth in this chapter.

2. The Planning Commission shall recommend approval of the conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable, objective standards.

3. The Planning Commission may not require elimination of all detrimental effects as a condition of recommending approval if the detrimental effects can be reasonably mitigated.

4. Upon the recommending of any conditional use permit, the Planning Commission shall itemize, describe, and justify the recommended conditions imposed on the use and the detrimental effects being mitigated by those conditions.
5. The recommendation of the Planning Commission shall be forwarded to the City Council. ~~the City Council may then grant, modify, or reject the permit.~~

4-106 City Council Approval Granting Permit

The recommendation of the Planning Commission shall be forwarded to the City Council. The City Council may then grant, modify, or reject the permit and the proposed conditions as set forth below:-

1. In reviewing the application and proposed conditional use, the City Council shall review the information provided by the applicant and city staff, the recommendation of the Planning Commission, and the factors, standards, and ordinances applicable to the proposed use, including those set forth in this chapter.
2. The City Council shall approve the A-conditional use ~~shall be approved~~ if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable, objective standards (~~UCC 10-9a-507~~).
- 4.3. The City Council may not require elimination of all detrimental effects as a condition of approval if the detrimental effects can be reasonably mitigated.
4. If the ~~City Council~~ and use authority, on the record, finds that a compelling public interest would be jeopardized by approving the application OR if reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied (~~UCC 10-9a-507, 509~~).
- 2.5. The City Council shall itemize, describe, and justify the conditions imposed on the use and the detrimental effects being mitigated by those conditions.