



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES

Tuesday, September 27, 2022

Approved October 25, 2022

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

VIRTUAL PARTICIPATION



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



Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Commissioner Jay Roundy

Pledge of Allegiance – Commissioner Audrey Moore

The meeting was called to order by Commissioner Jerry Abbott as a regular session at 7:00 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 Jay Roundy and those in attendance were led in the Pledge of Allegiance by Commissioner Audrey Moore.

PRESIDING: Commissioner Jerry Abbott

COMMISSIONERS

PRESENT: Jerry Abbott, Chris Dayton, Tracy Hill, Claude Jones, Audrey Moore, and Jay Roundy, Chris Howden (*electronically*)

CITY STAFF PRESENT: City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White, City Recorder Stephannie Cottle, City Code Compliance Officer Brent Wallace

OTHERS PRESENT: Jon Hart, Marcie Jones, Emma Fetzer

1. SWEARING IN NEW PLANNING COMMISSIONERS

Stephannie Cottle, City Recorder, will issue the Oath of Office to Trent Thayn as a new Commissioner Alternate.

Ms. Cottle issued the Oath of Office to Planning Commissioner Trent Thayn. He was previously appointed as an alternate, but was recently asked to serve full-time on the planning commission.

2. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

3. COMMISSIONER LEGAL TRAINING

Marcie Jones, from the Utah State Ombudsman, will give a training on several topics requested by the Planning Commission including the role of Planning Commissioners, drafting ordinances and code, exactions versus regulations, general plans, etc.

Marcie Jones, Attorney with the Office of the Property Rights Office Ombudsman, explained what the ombudsman office was. She mentioned that Utah was the only state that had an ombudsman office that did what they did. She spoke about how to use General Plans, the difference in regulations and exactions, and how to draft code that complied with state law.

4. 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 – August 23, 2022

Commissioner Moore MOVED to approve the minutes from the August 23, 2022 meeting. Commissioner Roundy SECONDED the motion. All present were in favor. None were opposed. The motion carried.

Commissioner Howden joined the meeting electronically at 8:05 PM.

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT – FENCES NEAR GOLF COURSES *Development Code Update (Legislative) – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Morian Eberhard to amend Section 3-612 Fences, Retaining Walls, Theme and Screen Walls, relating to fence height for properties adjacent to golf courses. The Planning Commission will take appropriate action.

Ms. Smith explained that a complaint was submitted to the city in August relating to the height of a fence being installed on a neighboring property. Highland's code compliance officer met with the property owner building the fence. The property owner was under the impression that the fence contractor had already received a permit from the city. After speaking with the City Council during unscheduled public appearances, the property owner decided to file a formal application for a development code amendment. Ms. Smith showed pictures of golf balls collected from the yard as well as damage to the applicant's home. She explained that the applicant wanted to install stretch netting behind his house. The applicant had serious concerns with golf balls hitting and penetrating his home. She said the play area in the applicant's backyard was also a concern. Ms. Smith reviewed the proposed amendments to the code. She said staff recognized that it was a situation that caused safety concerns for residents as well as damage to homes.

Commissioner Abbott opened the public hearing at 8:12 PM and called for public comment.

Applicant Morian Eberhard explained that the fence would blend with large trees in his yard. He said golf balls came into his yard with great speed and that it was not safe. He mentioned that recently someone on the trail was hit in the forehead and had to be rushed off. He said his home was close to the tee box. He had kids and didn't want them to play on the playground in their backyard because of safety concerns. He said he would bear all costs for the proposed fence.

Commissioner Abbott called for additional comment. Hearing none, he closed public hearing at 8:15 PM. He asked for additional discussion.

Commissioner Hill understood the concerns with living next to a golf course and thought it was dangerous.

Commissioner Abbott thought the request was for safety netting instead of a fence. He didn't think it necessarily belonged in the fence code. He thought the applicant should be able to put the netting up to protect his property. He was concerned that the city was changing the code for one exception. Instead of changing code, he thought a paragraph needed to be added regarding houses along a golf course. He wondered what other cities allowed along golf courses.

Ms. Smith explained that the city fence code was very specific and all-inclusive and said the application met the definition of a fence. She mentioned that she researched cities that had multiple golf courses and couldn't find much. She said St. George specified golf course fencing in their code and it was somewhat used as a template for the proposed amendments. She talked about the process for an exception, or a variance, and said Mr. Eberhard could probably get one, however, staff recognized that the safety concern effected more than one property. Because of that, staff thought the issue should be recognized and regulated by putting it in code. She explained that the suggested materials were based on Mr. Eberhard's application.

Commissioner Thayne recognized the safety concerns and said he did not want to regulate materials because new/updated fencing materials could be available in the future. He talked about batting cages currently in residents' yards and wondered if those were permitted. Ms. Smith said she had not encountered anyone who wanted a batting cage. Commissioner Thayne mentioned that there were two near his house. He talked about previously serving on the Board of Adjustments and thought the code needed to be specific to the actual usage or the home/backyard, rather than a blanket statement.

Commissioner Abbott agreed with the need for fencing but thought the reason staff couldn't find it in other cities was because it wasn't regulated.

Mr. Wallace talked about the proposed code and said it was written in a way that was flexible for anyone along a golf course. He said it applied only to five or six homes in Highland. He said the goal was to try to make it invisible to neighbors and that a black or neutral color would blend in.

Commissioner Howden was disconnected from the meeting at 8:25 PM.

Commissioner Roundy MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Section 3-612 of the Development Code.

Commissioner Hill SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Chris Dayton</i>	<i>Yes</i>

<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 6:0

6. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - FENCE MATERIALS *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 3-612 Fences, Retaining Walls, Theme and Screen Walls, relating to additional fence materials that may or may not be permitted. The Planning Commission will take appropriate action.

Ms. Smith explained the city had recently received applications for fence materials not permitted in the code: gabion, hog/horse wire, steel cable, and concrete (not precast). She mentioned that vinyl, wood, wrought iron, and precast concrete were the only fencing materials permitted in the code. Chain link was the only material not permitted. She said staff wondered if pictures should be added to the fencing code to provide clarity.

Commissioner Abbott opened the public hearing at 8:39 PM and called for public comment. Hearing none, he closed the public hearing at 8:39 PM and asked for additional discussion.

Commissioner Moore talked about rock as a natural resource in Highland and wondered why rock wall fences were not included on the list. She thought masoned rock walls should be a material for fencing. Commissioner Abbott agreed.

The Commissioners discussed the difference between animal enclosures and the public view. They reviewed the current code regarding animal enclosures.

Commissioner Thayn said Highland was for people with larger lots, rural areas, and was concerned that fencing options used in the past were going to be taken away for residents with large animals. He said Highland was a farming community. Ms. Smith explained that the proposed amendment permitted hog/horse wire for enclosures for residents with animal rights. She mentioned that any lot with 30,000 square feet could have three horses and said oftentimes there were lots with horses in nice neighborhoods. She explained that other than chain link, the city never regulated the fencing around animal enclosures.

The Commissioners spoke of their concerns with limiting future materials. Ms. Smith talked about chain link fences and explained that they currently were permitted only for athletic fences. She said there were many chain link fences installed throughout Highland before it was prohibited. She mentioned that bushes and other greenery was also considered a fence.

Commissioner Roundy talked about his time serving on the Planning Commission about ten years ago. He said the Commission at that time was asked to review fencing materials. They took pictures and tried to determine what would blend into the landscape. They set up study areas and gathered public opinion. He said he was surprised that galvanized steel subdued into the landscape faster and closer than any other structure. Commissioner Roundy said the public didn't want anything to do with galvanized until they saw the alternatives.

side by side. He thought at least 80% of vinyl fences today looked like they were hit by golf balls because of kids, sun exposure, etc. He thought chain link should be an approved fencing material in the code as well as gabion. He mentioned that there were miles of gabion fencing in the American Fork Canyon that most people probably did not know was there.

Commissioner Abbott thought chain link was okay only if there was a top rail to give support. He said he was not opposed to masonry walls and a rock face.

The Commissioners talked about different materials and options. They talked about high winds that were common in Highland and how some materials were better than others. They thought brick/masonry fencing should be permitted. They talked about the gauge of hog/horse wire and decided not to regulate it. Most agreed that chain link should have a top pole support if it was permitted, that hog/horse wire fencing needed to have top and side supports, and that the steel cable fence looked nice.

Commissioner Roundy MOVED that the Planning Commission recommend the following materials to be permitted for fences in Section 3-612 of the Development Code.

- Vinyl, wood, wrought iron, precast concrete, concrete, steel cable, hog/horse wire with wooden or metal beams and posts, chain link with horizontal top pole support, gabion, and stone and masonry walls. Hog/horse wire without beams are permitted for animal enclosures required for large animals.*
- All materials not listed above are prohibited*

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Chris Dayton</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 6:0

7. ELECTIONS OF CHAIR AND VICE-CHAIR

The Planning Commission will elect one of its members as Chair and a second member as Vice-Chair. The Chair shall serve for a term of one year and until a successor is chosen in the same manner. A person may be elected to serve consecutive terms as Chair.

Commissioner Moore was elected to serve as Chair and Commissioner Howden was elected to serve as Vice Chair.

8. 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

- October 4, City Council, 7:00 pm, City Hall
- October 18, City Council, 7:00 pm, City Hall
- October 25, Planning Commission, 7:00 pm, City Hall
- November 1, City Council, 7:00 pm, City Hall

Ms. Smith reviewed a recently received letter regarding the Waterwise Rebate from CUWCD (Central Utah Water Conservancy District). She explained that starting January 2023 the rebate would only be offered to residents of cities that implemented specific water efficiency standards. She explained that the City Council looked into specifics of what CUWCD required and decided that certain property rights were being taken away. She recently contacted CUWCD at the Council's request and found that CUWCD allowed a level of leniency in the wording but not to the standards. She reviewed the new standards for the CUWCD rebate and said the City Council thought it regulated too much. The Commissioners' opinions were similar to the City Council. The Commissioners discussed actions that could be taken as a city but thought the CUWCD standards seemed extreme. The Planning Commission agreed with moving forward with a water-wise type ordinance for Highland. Ms. Smith said she would contact Commissioner Howden regarding an amendment to existing city ordinances.

ADJOURNMENT

Commissioner Hill MOVED to adjourn the meeting. Commissioner Roundy SECONDED the motion. All present were in favor.

The meeting was adjourned at 9:53 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 September 27, 2022. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary

1

Welcome to the Highland
Planning Commission
Meeting

August 23, 2022



HIGHLAND CITY

2

Please sign the
attendance sheet and fill
out a comment card if
you wish to speak to the
Planning Commission



HIGHLAND CITY

3



HIGHLAND CITY

7:00 PM REGULAR SESSION

Invocation – Planning Commissioner Jay Roundy
Pledge of Allegiance – Planning Commissioner Audrey Moore

4



HIGHLAND CITY

SWEARING IN OF
COMMISSIONERS

5



HIGHLAND CITY

PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to (3) three minutes.

6



HIGHLAND CITY

COMMISSIONER LEGAL
TRAINING

Item #3 – Training
Presented by – Marcie Jones *Utah Office of the
Property Rights Ombudsman*

Office of the Property Rights Ombudsman

Highland 2022

1

Introduction

Marcie Jones

Attorney
Background in land use planning
AICP



2

What is an Ombudsman?

- Neutral official
- Help anyone and everyone (citizens, city and county staff, attorneys, state agencies, planning commissioners, council members, appraisers)
- Understand and comply with land use and property rights laws
- Resolve property rights disputes



3

Utah is Unique

Only state with an Office of the Property Rights Ombudsman that does all that we do.

Best job in Utah.



4

Tonight's Topics

1. How to use General Plans
2. Difference in regulation and exactions
3. How to draft code that complies with state law

5

Topic 1

General Plans

- What is the purpose and relationship between the General Plan and the current zoning in place.
- Is the General Plan legally binding?
- Does the state require a General Plan?



6

General Plan

Guide for community's future development.

Document describing goals, objectives, principles, and standards.

Includes maps and diagrams.

What is a General Plan?

A General Plan is like a road map for the future of Culver City.

7

Utah Code 5 10-9a-Part 4 - General Plans

8

Required to have a General Plan

10-9a-401. General plan required – Content.
(1) In order to accomplish the purposes of this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:
(a) present and future needs of the municipality; and
(b) growth and development of all or any part of the land within the municipality.

9

General Plan = advisory

10-9a-405 Effect of general plan.
Except as provided in Section 10-9a-406, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

10

Public uses must conform to general plan

10-9a-406 Public uses to conform to general plan.
After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

11

Highland City General Plan Update 2008

12

Advisory Guide

"...a guiding document..." page 1

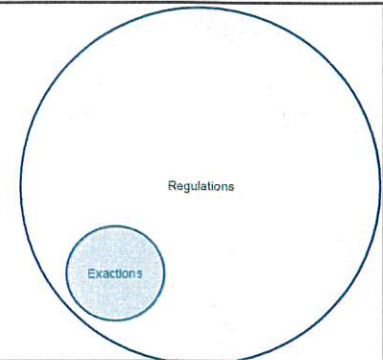
"proposes future visions and growth directions"
page 1



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Topic 2

Exactions v. Regulations



14

Land Use Regulation:

a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land.



15

Regulation Examples:

Maximum building height:
Maximum 35'.

Permitted uses:
Single-family residential.

Setback:
Front minimum 20'.

Parking standards:
No more than 4 spaces per 1,000 square feet.

Access:
Direct access from public street meeting minimum road standards required.

Sewer:
Must be served by public sewer service. No septic systems allowed.



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Exaction:

contribution to the government in exchange for approval

17

Exactions can be:

- (1) Dedication of land,
- (2) Construction of public improvements,
- (3) Money, and/or
- (4) Impact fees.

18

Exactions

15%

Phone calls

#1

Advisory Opinion Requests

19

(1) Dedicate land

Roads, parks, trails, public utility easements, open space, flood control, etc.



20

(2) Construct public improvements

Roads, sidewalks, sewer and water lines, parks, trails, flood control, etc.



21

(3) Money



22

(4) Impact fees

IMPACT FEE

One-time charge

Fund the cost of infrastructure in growing communities



23

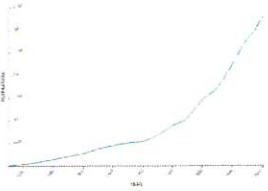
Why require exactions

Utah is the fastest growing state in the nation.

Utah's population grew by 18.4% over the past decade.

Utah Population 2021

3,310,774



24

Why require exactions?

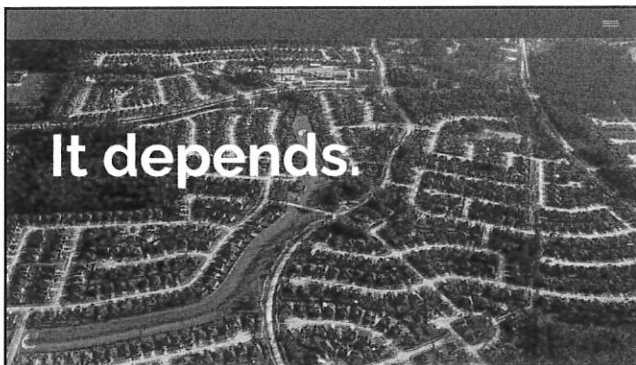
- ① All those new people requires new roads, sidewalks, and bike lanes, more sewers, parks, schools, electricity, water, snow removal, etc.
- ② Offset costs of new development to the local government.



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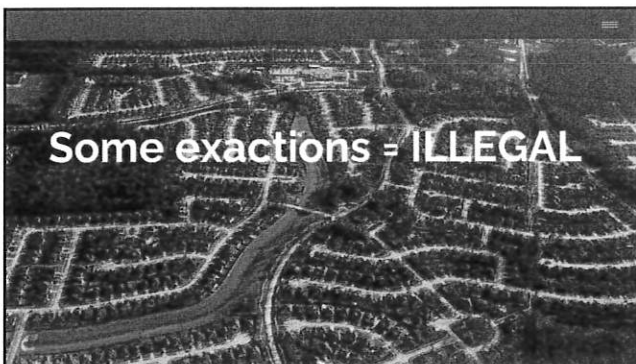
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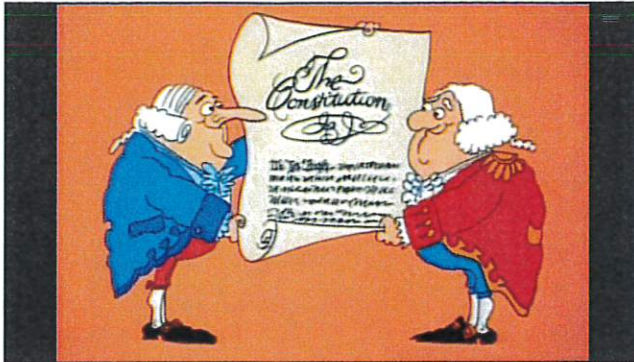


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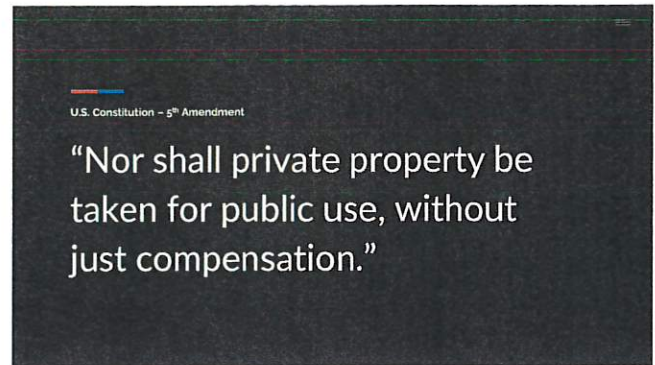
Legal Exactions

Exactions are permitted provided they do not violate constitutional rights.

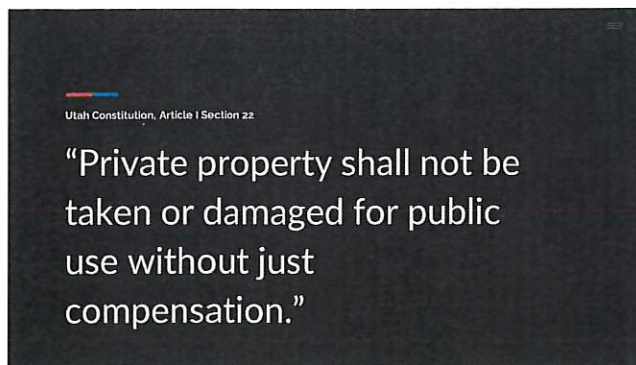
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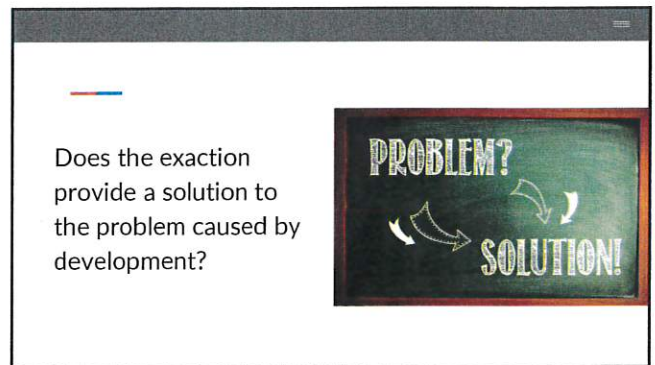
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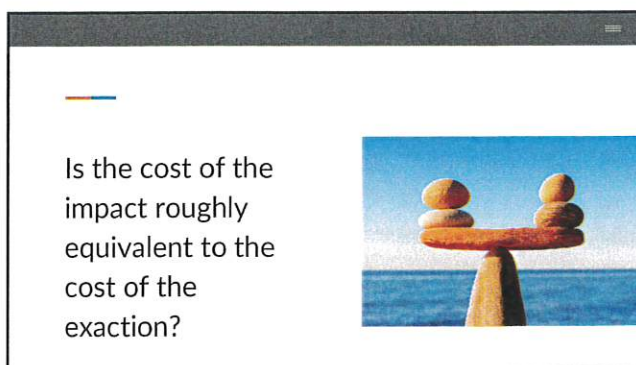
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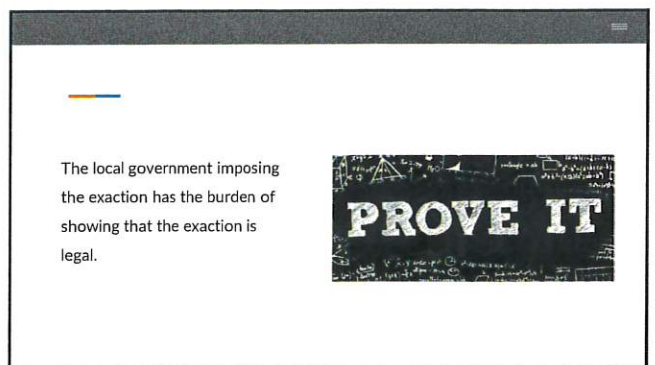
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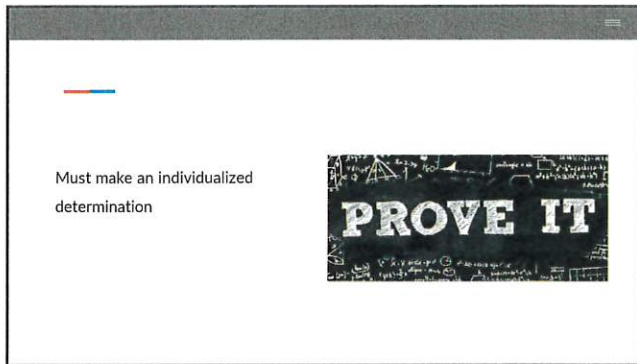
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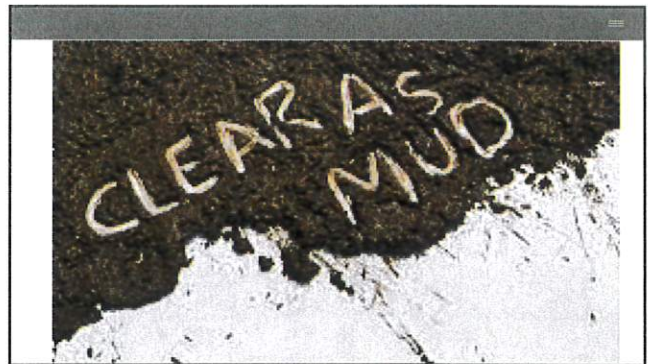
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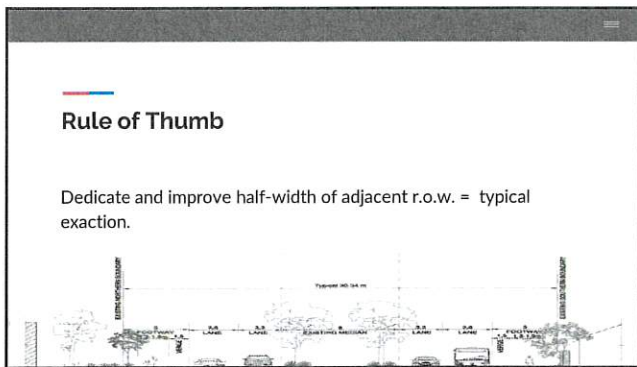
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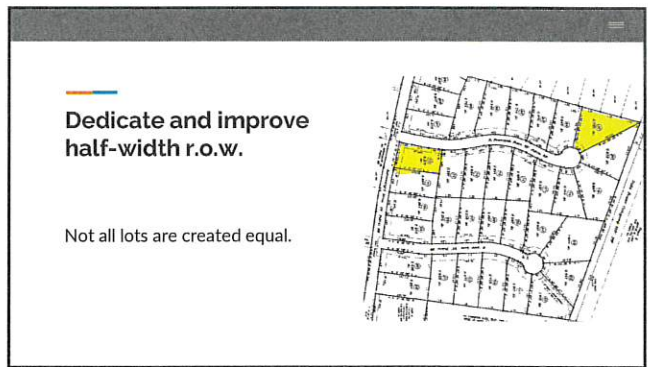
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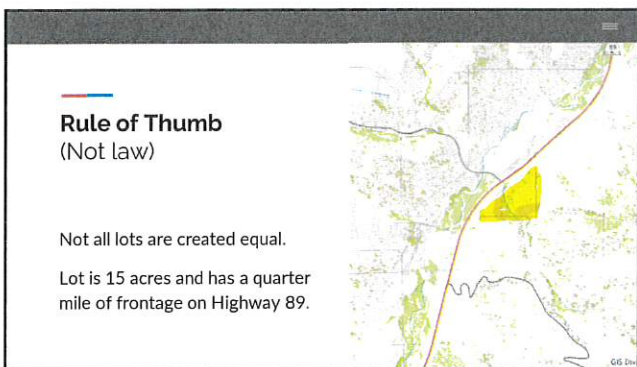
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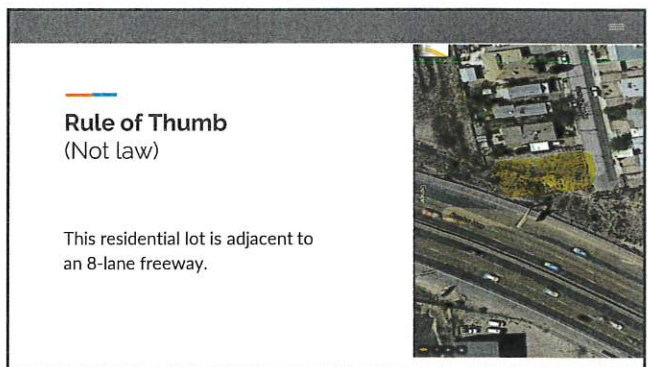
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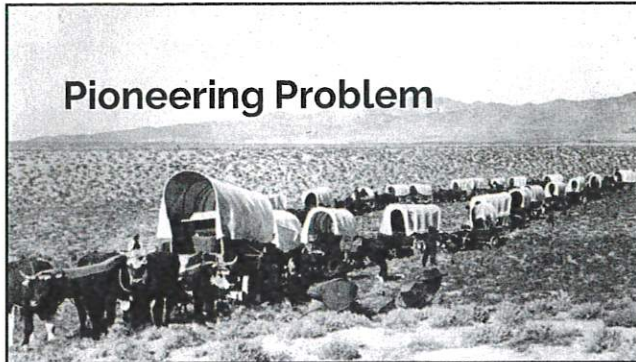
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41



42



43

PIONEERING PROBLEM

Government can't require developer to install improvements, BUT can say the improvements need to be installed before the application is eligible for approval.

44



45

PIONEERING PROBLEM

Timing and sequencing issue.

46

Topic 3
Writing good ordinances

47

Best practices

Need to follow state LUDMA statutes (authority to zone comes from the state and includes obligations).

Pay attention to "shall v. may."

Pay attention to legislative v. administrative decisions.

48

Best practices

Include definitions of words.

Examples:

- Setbacks: are accessory buildings, awnings, and/or driveways allowed in setback?
- Single-family residential: does it address short-term or long-term occupation?



49

Best practices

Understand if your code is silent = means the use is allowed.

Any use that is legally allowed now can continue.

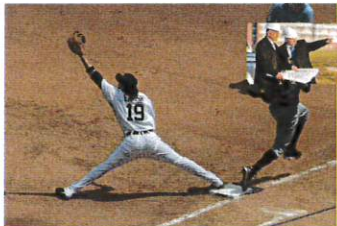


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Best practices

Ambiguity interpreted in favor of allowing the proposed use.

All ties goes to the developers.



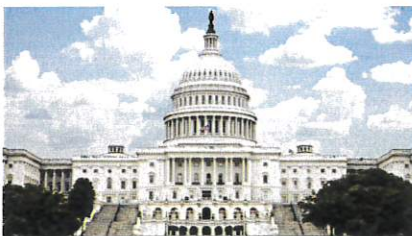
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Balance of Power



52

Government has the power when passing ordinances.



53

Applicant has the power when applying for land use permit.



54

One bite at the apple



55

The standards must be in the ordinance



56

Use clear language

Conditional Use Permit standards are as follows:

- (a) **Hours of operation.** Hours of operation may be limited to a minimum of 7 a.m. to 10 p.m. where the use is adjacent to a residence or residentially zoned property.
- (b) **Setbacks.** Setbacks may be increased, up to a maximum of twice what is the standard in the zone, to adequately separate the proposed use to limit noise, light, or odor impacting the surrounding properties.
- (c) **Landscaping.** A portion, or all, of the setback area may be required to be landscaped to act as a noise buffer. Plantings in the landscaped area must meet the minimum standards listed in Table 10-9.
- (d) **Visual barrier.** An opaque wall, fence, or hedge, up to 6' in height, may be required to be installed and maintained along any boundary shared by a residence or residentially zoned property.
- (e) **Parking.** Adequate parking may be required for the proposed use up to the minimum standards in Table 10-7.

57

Use clear language



Single-family residential

Permitted uses:

- (a) Accessory buildings
- (b) Church, synagogue, or similar building used for regular religious worship
- (c) Golf course (excluding miniature golf)
- (d) Home occupations
- (e) temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

58

Not clear

Conditional Use Permit standards are as follows:

- (a) Mitigate undesirable vehicle or pedestrian traffic patterns or volume.
- (b) Mitigate material degradation of the level of service of any street.
- (c) Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, reservoirs, wetlands, drainage ways, groundwater protection, and slopes.
- (d) Mitigate unsustainable effects on the economy of the surrounding area or county, generally, if credible evidence of such negative effects is present.



59

Not clear

"The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards."



60



61

CONDITIONAL USES	ANNEXATION	ZONING	SURPRISE ME!
CAN WE DENY A CONDITIONAL USE PERMIT?	WHO CAN FILE AN ANNEXATION APPLICATION?	VARIANCE	SHORT-TERM RENTALS
HOW ARE CONDITIONS DETERMINED?	WHAT IS THE ROLE OF THE BOUNDARY COMMISSION?	MORATORIUM	LEGISLATIVE OR ADMINISTRATIVE
APPEALING A CUP	CHALLENGING AN ANNEXATION	VESTED RIGHTS	INTERNAL ACCESSORY DWELLING UNITS
PUBLIC CLAMOR	ANNEXATION POLICY PLAN	NONCONFORMING USE	PUBLIC HEARINGS

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CONSENT ITEMS

4a. Approval of Meeting Minutes:
August 23, 2022 *Administrative*

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HIGHLAND CITY

FENCES NEAR GOLF COURSES
LEGISLATIVE

Item #5 – Development Code Amendment - **PUBLIC HEARING**
Presented by – Kellie Smith *Planner & GIS Analyst*

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Prior Council Direction

- August 2, 2022; City Council – applicant spoke during unscheduled public appearances
- Process of going through Planning Commission and back to City Council for review

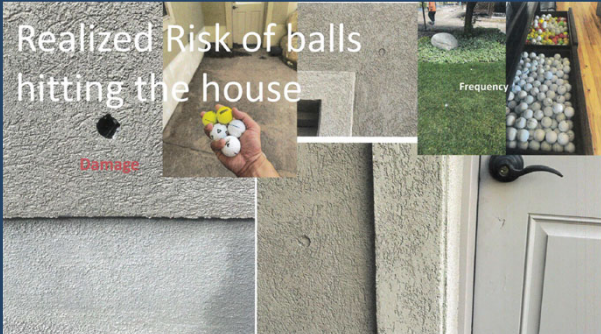
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Background

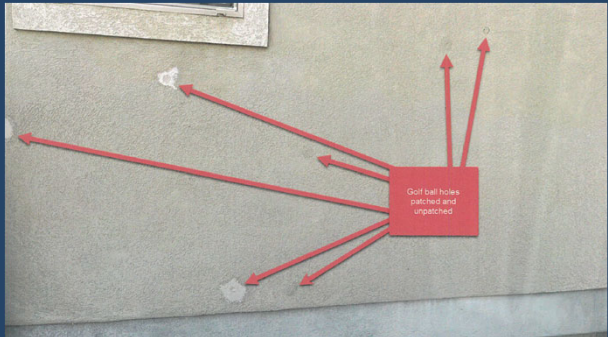
- Complaint submitted to Code Enforcement regarding height of the fence being installed.
- After speaking with City Council, the applicant decided to apply for a text amendment.

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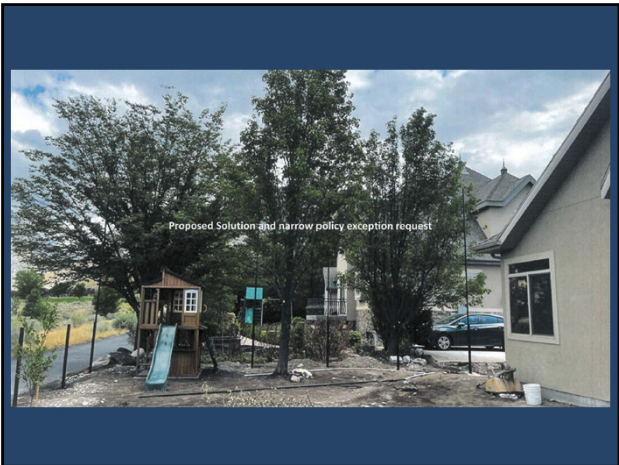
Realized Risk of balls hitting the house



11



12



13

Proposed Text Amendment

- Lots with side or rear property lines adjacent to a golf course facility
 - The fence may be a maximum of fifteen (15) feet in height. The materials of this fence are limited to open style netting with black support posts or beams no closer than five (5) feet apart.

14

Staff Review

- Significant evidence of damage
- Staff recommends less detail regarding distance from tee box
- Material regulations; prohibit properties from having a solid fence taller than 6'
- Similar to sport court fence regulations (12' vinyl coated chain link)

15

Citizen Participation

- Public Hearing Notices
 - Daily Herald
 - State and city websites
 - 3 public places
- 2 neighboring property owners spoke in favor of the amendment

16

Staff Recommendation

Staff recommends that the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed amendment to allow for taller fences adjacent to golf courses.

17

Motion to Recommend Approval

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to Section 3-612 of the Development Code.

18

Motion to Recommend Denial

I move that the Planning Commission recommend **DENIAL** of the proposed amendment based on the following findings: (The Planning Commission will need to draft appropriate findings.)

19



FENCE MATERIALS
LEGISLATIVE

Item #6 – Development Code Amendment – **PUBLIC HEARING**
Presented by – Kellie Smith *Planner & GIS Analyst*

20

Prior Council Direction

- September 20, 2022 – City Council shared opinions on specific fence materials

21

Background

- Existing Code
 - Permitted: vinyl, wood, wrought iron, and precast concrete
 - Prohibited: chain link
- Applications with fence materials that are not permitted nor prohibited.
- Stop work order on a Gabion fence

22

Proposed Text Amendment

- Staff requests the Planning Commission consider the following materials:
 - Gabion
 - Hog/Horse wire
 - Steel Cable
 - Concrete (not precast)
- Example:
 - Materials
 - Permitted: Vinyl, wood, wrought iron, precast concrete, concrete, steel cable, and hog/horse wire with wooden or metal beams and posts. Hog/horse wire without beams are permitted for animal enclosures required for large animals.
 - Prohibited: Chain link and gabion.
- Include images for examples in the Code?

23

Citizen Participation

- Public Hearing Notices
 - Daily Herald
 - State and city websites
 - 3 public places
- No resident correspondence received.

24

Recommendation

Staff recommends the Planning Commission hold a public hearing, determine which fence materials to permit or not permit, and recommend an amendment to the City Council

25

Motion

I move that the Planning Commission recommend the following materials to be permitted for fences in Section 3-612 of the Development Code: *(The Commission will need to draft permitted materials)*, and the following materials to be prohibited: *(The Commission will need to draft prohibited materials)*.

26



ELECTIONS OF CHAIR AND VICE CHAIR

Item #7 - The Planning Commission will elect one of its members as Chair and a second member as Vice-Chair. The Chair shall serve for a term of one year and until a successor is chosen in the same manner. A person may be elected to serve consecutive terms as Chair.

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PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

- 8a. Future Meetings
 - October 4, City Council, 7:00 pm, City Hall
 - October 18, City Council, 7:00 pm, City Hall
 - **October 25, Planning Commission, 7:00 pm, City Hall**
 - November 1, City Council, 7:00 pm, City Hall
- 8b. Waterwise Landscaping - CUWCD

28

CUWCD Water-wise

- Starting January 1, 2023, CUWCD grants will only be available to cities that have adopted the provided standards and have provided the District with the adopted language.
 - Flip Your Strip
 - Localscapes Rewards
 - Leadership Grant (Mountain Ridge Park)

29

Landscaping Requirements (summary)

- Drip irrigation or bubblers everywhere except for lawn
- WaterSense labeled smart irrigation
- 3-4 inches of mulch in planting beds
- 50% living plant cover at maturity
- Lawn shall not be installed in park strips, paths, slopes greater than 25% (4:1 grade), or areas less than 8 feet wide at its narrowest point.

30

Localscapes

- Designed central open shape
- Gathering areas (not in central open shape)
- Activity Zones (not in central open shape)
- Paths – no lawn allowed
- Lawn areas shall not exceed 250 sq ft or 35% of total landscaped area

31

Commercial, Institutional, Multi-family

- Lawn areas shall not exceed 20% of the total landscaped areas, outside of active reaction areas

32



CENTRAL UTAH WATER CONSERVANCY DISTRICT

Al Mansell *Chair of the Board*
Shelley Brennan *Vice Chair of the Board*
Gene Shawcraft *General Manager / CEO*

G. Wayne Andersen
Shelley Brennan
Jon Bronson
Kirk L. Christensen
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Randy L. Vincent
Brad Wells

August 8, 2022

To Whom it May Concern,

Starting in August 2021, Central Utah Water Conservancy District (District) offered two new rebate programs for homeowners within our service area to further increase water conservation efforts. These programs, Flip Your Strip and Localscapes Rewards, aim to educate homeowners about the benefits and design process of well-planned waterwise landscapes and to offset some of the cost to implement those landscapes. Living in a desert already comes with its challenges, but with recent drought conditions, more Utahns are recognizing the need to conserve our limited water supply and are looking for ways to cut back their usage, especially in their landscape. The cost of converting the typical residential landscape to something attractive and more efficient can be cost prohibitive to many homeowners. For these reasons we have developed rebate programs to be an asset to those wishing to make the switch. In the year these programs have been available, we have received over one thousand applications and interest is rapidly increasing.

As we grow and develop in Utah it is imperative that we responsibly plan for water and growth together and the longer we wait the higher the cost will be to make meaningful changes to our water use that result in extending our limited supply. Many municipal codes for cities in Utah contain outdated landscaping ordinances that slow or restrict residents' efforts to conserve water and are not realistic for our region. The water efficiency standards in the attached document are designed to update or replace these outdated ordinances. Many cities such as Herriman, Draper, and Layton have already adopted these new standards and others are working towards the same goal. We believe these standards are critical for all cities and we recommend adoption and incorporation as soon as possible.

Our Landscape incentive programs are currently available on a limited basis to municipalities within our service area. To allow time for cities to make the necessary changes to their municipal codes, our rebate programs will continue to be offered to residents within our service area through 2022. However, starting January 1st, 2023, they will only be available to cities that have adopted the provided standards and have provided the District with the adopted language.

We are eager to continue providing this resource to as many residents as possible and are available to assist in this process if requested. For questions and support please contact Savannah Peterson at Savannah@cuwcd.com or by phone at 801-226-7151.



August 8, 2022

Water Efficiency Standards

1. Purpose

The purpose of these Water Efficiency Standards is to conserve the public's water resources by establishing water conservation standards for indoor plumbing fixtures and outdoor landscaping.

2. Applicability

The following standards shall be required for all developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable. The Outdoor Landscaping Standards shall also be required for new landscaping construction installed by homeowners.

3. Indoor Fixture Requirements

It is recommended and encouraged, but not mandated, that all new and future construction and future additions, remodels, or refurbishments install plumbing fixtures that have the WaterSense label, including: lavatory faucets, shower heads, sink faucets, water closets (tank and flushometer-valve toilets), and urinals, to the extent Utah law allows municipalities or local districts to require these fixtures.

4. Outdoor Landscaping Standards

All new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards, and homeowner provided landscape improvements within the front and side yards of single and two-family dwellings shall comply with the landscaping standards below:

Definitions

- A. Activity Zones: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.
- B. Active Recreation Areas: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).
- C. Central Open Shape: An unobstructed area that functions as the focal point of Localscapes and is designed in a shape that is geometric in nature.
- D. Gathering Areas: Portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.
- E. Hardscape: Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.
- F. Lawn: Ground that is covered with grass or turf that is regularly mowed.



CENTRAL UTAH WATER CONSERVANCY DISTRICT

- G. Localscapes®: A landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).
- H. Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.
- I. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.
- J. Paths: Designed routes between landscape areas and features.
- K. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.
- L. Total Landscaped Area: Improved areas of the property that incorporate all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

5. Landscaping Requirements

- A. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.
- B. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and planting beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.
- C. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- D. At least 3-4 inches of mulch, permeable to air and water, shall be used in planting beds to control weeds and improve the appearance of the landscaping.
- E. At maturity, landscapes are recommended to have enough plant material (perennials and shrubs) to create at least 50% living plant cover at maturity at the ground plane, not including tree canopies.
- F. Lawn shall not be installed in park strips, paths, on slopes greater than 25% or 4:1 grade, or be less than 8 feet wide at its narrowest point. To the extent reasonably practicable, lawn shall be free from obstructions (trees, signs, posts, valve boxes, etc.).



- G. In residential landscapes, the landscaping shall adhere to the following Localscapes requirements:
- i. If size permits, the landscaped areas of the front yard and back yard shall include a designed central open shape created by using lawn, hardscape, groundcover, gravel, or mulch.
 - ii. Gathering areas shall be constructed of hardscape and placed outside of the central open shape. In a landscape without lawn, gathering areas may function as the central open shape.
 - iii. Activity zones shall be located outside of the central open shape and shall be surfaced with materials other than lawn.
 - iv. Paths shall be made with materials that do not include lawn, such as hardscape, mulch, or other groundcover.
 - v. Lawn areas shall not exceed the greater of 250 square feet, or 35% of the total landscaped area.
 - vi. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide lawn area requirement of the landscaping requirements in section F, are exempt from the 8 feet minimum width lawn area requirement.
- H. In commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.
- I. Certain special purpose landscape areas (e.g., stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the landscaping requirements (see Paragraph F, above). Applications to receive exceptions are to be considered on a case-by-case basis.
- J. These outdoor standards are not intended to conflict with other landscaping requirements as defined by Utah law, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may conflict with Utah law, such conflicting requirements shall not apply.