



HIGHLAND PLANNING COMMISSION MINUTES

TUESDAY, June 25, 2024

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

Approved August 27, 2024

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order: Chair Audrey Moore

Invocation: Commissioner Claude Jones

Pledge of Allegiance: Commissioner Trent Thayn

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

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Jerry Abbott, Christopher Howden, Claude Jones, Trent Thayn, Sherry Kramer

CITY STAFF PRESENT: City Attorney Rob Patterson, City Deputy Recorder Heather White

OTHERS PRESENT: Jon Hart, Catherine and Cory Hundley

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

2. CONSENT ITEMS

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

Items on the consent agenda may be pulled for separate consideration.

- a. **Approval of Meeting Minutes General City**
Management Heather White, City Deputy Recorder
May 28, 2024, Planning Commission meeting minutes

Commissioner Howden moved to approve the May 28, 2024 meeting minutes. Commissioner Thayn seconded the motion. All present were in favor. The motion carried unanimously.

3. ACTION ITEMS

a. PUBLIC HEARING/ORDINANCE: Swimming Pool Regulation Amendments *Land Use (Legislative)*

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commission will consider amendments to swimming pool regulations related to setbacks and fencing requirements.

Mr. Patterson explained that the goal of the amendments was to consolidate the residential zones' swimming pool regulations into a single code section, clarify setback requirements for pools and pool accessories, and to modify pool fencing requirements to align with current construction code. He reviewed proposed amendments to setbacks and fencing regulations. Mr. Patterson explained that he recently had a discussion with residents who requested a five-foot setback and pool installation within the public utility easement (PUE) if conduit was installed.

Commissioner Moore opened the public hearing at 7:16 PM and asked for public comment.

Resident Catherine Hundley said she had an unusual lot and researched a lot of other cities' pool regulations. She said most cities in the county had four- to six-foot setbacks, except for Alpine which granted regular variances. She said the International Building Code set the standard as a five-foot setback. She understood the need for the PUE and the desire to protect the integrity of the neighborhood. She thought the added noise of a pool was minimal. She supported the proposed changes. Commissioner Moore asked about the safety of conduit in a five-foot PUE and talked about her neighbor's pool that leaked for ten years. Ms. Hundley said she wasn't an engineer, but believed other cities thought it was safe because of the regulations they adopted. She said she would be willing to install the conduit closer to the outer fence line.

Resident Cory Hundley also talked about his unusual lot. He discussed current setbacks and said there was plenty of room for a pool, but not enough room for a pool plus the ten-foot setback. He thought it might be a consistent problem for residents. He thought there was plenty of room for a pool and that they could do it responsibly with a five-foot setback. He thought the ten-foot setback might have come from an era when there were a lot of larger lots. He pointed out that there was a lot of high-density housing with houses only six feet apart with room to run utilities. He thought a ten-foot setback was excessive.

Commissioner Abbott thought the ten-foot easement was for digging equipment, if needed. The commissioners considered how much room was needed to access utilities and conduit. Commissioner Abbott pointed out that five feet was not enough room in a utility easement. Commissioner Thayn mentioned that it was the layout of the house that made the lot difficult. He pointed out that cities rarely used utility easements, but when they did, they used all of it. Mr. Hundley thought the ten-foot restriction was a significant limitation, especially if it was hardly ever used. Mr. Patterson mentioned that utility easements were sometimes vacated after obtaining approval from all utility entities. He talked about the process for doing so. The commissioners thought it might be a good solution. They talked about the possibility of a five-foot setback as long as it was not in a PUE. Ms. Hundley was told that all utilities were on the plat but the city also had record of them. Commissioner Howden wondered if there was merit to keeping utility easements on the side and back of lots. Mr. Patterson explained that cities had a good indication if utility easements were needed after ten years. He explained that anyone could apply for a PUE to be vacated.

Commissioner Moore asked for additional public comment. Hearing none, she closed the public hearing at 7:36

PM and asked for additional discussion.

The Planning Commission discussed the proposed amendments. They agreed that the setback measurement should be defined as “one foot from inside pool wall”. The commissioners also determined that all pool accessories should meet setbacks as if they were accessory structures. The commissioners discussed regulations of the building code which stated that property owners had to have either a self-closing and locking barrier (fence) or an automated pool cover that met specifications. Commissioner Kramer thought the city should require a fence around the pool plus a gate or pool cover. She voiced concern with children wandering into the pool while the cover was open. She thought a fence was necessary. The commissioners discussed safety issues associated with pools. They discussed the need for fencing and/or pool covers, and the responsibilities and risks assumed by property owners. Most of the Planning Commission thought the building code regulations were sufficient.

Commissioner Abbott MOVED that the Planning Commission accept the findings and recommend approval of the following proposed amendments and requested changes to pool regulations:

- 1. Consolidating the code into one code section*
- 2. Removing the six-foot main dwelling setback*
- 3. Measuring setback to one foot from inside pool wall*
- 4. Treating all pool accessories as accessory structures for setback and height purposes*
- 5. Fencing and barriers would refer to current pool and spa building code regulations*
- 6. Reducing side and rear setbacks to five feet, but may not be within utility easements*

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Absent</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>No</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Absent</i>

The motion carried 5:1

b. PUBLIC HEARING/ORDINANCE: Residential Conditional Use Amendments *Land Use (Legislative)*

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commission will consider amendments to conditional uses within residential zones and general conditional use requirements.

Mr. Patterson explained that the city recently reviewed and approved a conditional use permit (CUP) for a pavilion on a church site. He said the City Council questioned the need for a CUP for simple accessory structures. He talked about the purpose for conditional uses and reviewed current conditional uses in residential zones. To simplify the process for accessory uses that do not have significant impacts on the primary use or on neighbors and which comply with general accessory structure regulations, staff recommended modifying the residential zones’ conditional use regulations and the general conditional use procedures to exempt minor

changes and accessory structures. Mr. Patterson reviewed the proposed changes.

Commissioner Thayn said he liked the concept but struggled with defining “major” and “minor”. Mr. Patterson said the proposed amendment gave the zoning administrator the responsibility to decide what was a major or minor change. He explained how he would determine major or minor changes. Commissioner Thayn was comfortable with Mr. Patterson’s explanation but worried about how it would be determined by future staff. After discussing, the commissioners asked Mr. Patterson to look into further defining “major” and “minor”.

Mr. Patterson asked the commissioners to consider if public hearings should be held and who would approve CUPs. Commissioners Moore and Kramer were not comfortable getting rid of all public hearings. Commissioner Abbott mentioned that CUPs were administrative and that there may not be much the city could do about requesting changes. He talked about a previous CUP process for plat approvals that required public hearings but only frustrated residents when changes could not be made. He thought public hearings were valuable if changes could still be requested. After additional discussion, the commissioners agreed that they were fine with the proposed amendments which still required public hearings in some cases.

Commissioner Moore opened the public hearing at 8:20 PM and asked for public comment. Hearing none, she closed the public hearing at 8:20 PM. She asked for additional comment. Hearing none, she called for a motion.

Commissioner Thayn MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendments to conditional use regulations with the requested change to better define “minor” and “major”.

Commissioner Kramer SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 6:0

Upon request, Mr. Patterson gave an update on the general plan review process. He also mentioned that a public hearing for the proposed school district split would be held during a July Council meeting. The Commissioners asked that residents be informed of the proposed school district split and the general plan review.

4. ADJOURNMENT

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

The meeting ended at 8:26 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 June 25, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

1



4



6

Current Regulations - General

- Pool regulations spread across each zone
- Pools do not qualify as accessory structures (coverage purposes) unless enclosed
- Pools have specific setbacks (30’ front, 10’ rear/side), not clear if from wall or structure
- Pools are required to be setback 6’ from primary dwelling and not within easements
- No regulations on pool accessories (slides, boards)

7

Proposed Amendments - Clarifications

- Staff proposing several clarifying amendments:
- Consolidate all pool regulations into a single code
 - Remove main dwelling setback (allow swim-out pools and pools in unique lot layouts)
 - Setbacks measured to outside pool structure
 - Pool accessories not subject to setbacks unless over 14’ or 120 sqft

8

Current Regulations - Fencing

- Automatic pool cover required
- Fence required
 - 4’ fence around pool or 6’/5’ fence around property
- Self-closing and self-locking gate required
- Pool Code requires fence/gates OR pool cover. City code requires both

9

Proposed Amendments - Fences

- Still require fence in all cases
 - 4’ around pool or 6’/5’ around property
- If a pool has automated safety cover per Pool Code, then fence gates do not need to meet Pool Code (self-closing/locking, open away from pool).
- If a pool does not have an automated safety cover per Pool Code, then fence gates must meet pool code (self-closing/locking, open away from pool)

10

Other Considerations Not Proposed

- Resident request: Reduce pool setbacks to 5’ side property line, and allow pools within public/municipal utility easements if conduit is installed

11

Staff Recommendation

- Staff recommends that the Planning Commission hold a public hearing, address whether the Commission wants to propose any additional or different amendments, and recommend APPROVAL of the proposed amendments.

12

Proposed Motions

- I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendments to swimming pool regulations.
[Planning Commission may specify additional or different amendments as part of motion]

13



**PUBLIC HEARING: RESIDENTIAL
CONDITIONAL USE AMENDMENTS**
Land Use (Legislative)

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

14

Background

- On April 23, 2024, the Planning Commission reviewed a proposed conditional use permit for a pavilion on an existing, developed church property
- As the Council approved the CUP as recommended by the Planning Commission, the Council discussed whether a CUP was necessary for that type of use
- Because this is a legislative matter, the Commission can approve or reject the amendments and can consider different or additional amendments

15

Background – Conditional Uses

- Conditional uses and conditional use permits (CUPs) are uses that are generally appropriate within a zone, but require special review and conditions to mitigate detrimental impacts
- CUPs are administrative, meaning that they generally must be approved, even if undesired, so long as there are reasonable conditions that can be imposed to mitigate detrimental impacts

16

Residential Conditional Uses

- Public schools and grounds
- Churches, church grounds, and non-temporary accessory buildings associated with maintenance
- Libraries, museums, art galleries
- Funeral homes (R-1-40 only)
- Non-profit country clubs (except R-1-30)
- Communication towers (except R-1-30)
- Drilling wells for water

17

Proposed Amendments

- Remove “grounds” and “accessory buildings” as conditional uses, to reduce number of conditional use permits required
- Add communication towers as conditional use in R-1-30 zone for consistency.
– Can also add country clubs to R-1-30 conditional uses
- Changes in ownership do not require new CUP
- Require 7-day notice for public hearings

18

Proposed Amendments

- Allow accessory uses/buildings and minor changes to CUP site/building that do not increase impacts to neighbors or City without need for additional CUP or for a CUP amendment
 - Accessory structures
 - Tenant improvements
 - Signs
 - Landscape changes, especially for xeriscaping
 - Reconstruction of damaged structures

19

Proposed Amendments

- Allow amendments to CUPs if the applicant wants to continue a conditional use but wants a change that could increase impacts to neighbors or city
 - Propose having approval by City Council without prior Planning Commission review to shorten process - Planning Commission input on this item is desired
 - Staff determines whether change is minor (staff approved) or major (council approved)

20

Other Considerations Not Proposed

- Approval body of CUPs and amendments
 - CUP: Commission review, Council approval (Current)
 - Who the land use authority is, is determined by City Code
 - Can be staff, Commission, Council, or some combination
 - Amendments: Council approval (as currently proposed)
- Public hearing requirements
 - None
 - Planning Commission or City Council
 - Both Planning Commission and City Council (current)
- Other?

21

Staff Recommendation

- Staff recommends that the Planning Commission hold a public hearing, address whether the Commission wants to propose any additional or different amendments, and recommend APPROVAL of the proposed amendments.

22

Proposed Motions

- I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendments to the conditional use regulations.

[Planning Commission may specify additional or different amendments as part of motion]

23



**PLANNING COMMISSION AND
STAFF COMMUNICATION ITEMS**

a. Future Meetings

- July 2, City Council, 7:00 pm, City Hall – School District Public Hearing
- July 16, City Council, 7:00 pm, City Hall – School District Public Hearing
- July 23, Planning Commission, 7:00 pm, City Hall
- July 29-Aug 3 – Highland Fling

24