

PLANNING COMMISSION MEETING

Tuesday, January 28, 2020 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Commissioners: David Driggs, Jared Anderson, Jeff Dodge, John Dredge, Eric Schloer, Lori Anne Spear
Absent/ Excused: Steve Thomas
Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder

1. Call to order

This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order by Commissioner Driggs at 7:00 p.m. C. Anderson was recognized as voting member.

2. Appointment of Chair and Vice Chair

C. Driggs said the first item of business was the appointment of the Chair and Vice Chair. C. Dodge stated that he saw this item on last week’s City Council agenda.

Mr. Goodwin said the Mayor and Council went through all bylaws for all committees and commissions. There was a concern about needing a Chair present for majority of the meetings considering Chairman Driggs was frequently absent. His recommendation to the Mayor was to have the Planning Commission appoint its own Chair.

C. Driggs asked for nominations.

MOTION: C. Spear—To nominate Jeff Dodge as Chair. Seconded by C. Dredge.

Yes - C. Anderson
C. Driggs
C. Dredge
C. Spear Motion passes.

MOTION: C. Dodge—To nominate John Dredge as Vice Chair. Seconded by C. Spear.

Yes - C. Anderson
C. Dodge
C. Driggs
C. Spear Motion passes.

3. Public Comment

Chair Dodge opened the floor for public comments. Seeing none, he closed the floor for public comments.

SCHEDULED ITEMS & PUBLIC HEARINGS

4. Approval of the Minutes of the October 29, 2019 and the November 26, 2019 Planning Commission Meetings

MOTION: C. Dredge—To approve the minutes of the October 29, 2019 and the November 26, 2019 Planning Commission meetings. Seconded by C. Anderson.

Yes - C. Anderson
C. Driggs
C. Dredge
C. Spear Motion passes.

5. Discussion on Fences Adjacent to Public Parks, Trails and Certain Major Streets.

Jenny Peay discussed current fencing codes 10.5.18f. This was a discussion item only and not a proposal. Mayor Rees requested that staff address changes in the language that addressed that particular requirement in that section of the code. There were also residents that expressed the desire to be able to more fully enclose their property if adjacent to public trails or major streets. Currently they were not able to alter those fences under the current code. Some of the property owners had more specific problems. Many residents felt a lack of privacy and the amount of noise was too much. They also wanted a space for leashed/enclosed animals and children. Loose dogs defecated in nearby properties. The owners of the pets would not go after them to clean up because the fence was so open. She also mentioned vandalism from the park areas nearby. They wanted to set standards for the placement and heights of fences for the purpose of facilitating safety. They were asking to edit this section of the code to encompass a wider range and location of fences for the residences that were affected by these issues.

C. Driggs said there were portions of the City where he saw concrete or stone fences. He had not seen this in the code. He noted that this was by Deerfield Elementary.

Mr. Goodwin said this would be an HOA specifically: a gated community. They allowed concrete fences. The code here was for fences adjacent to trails spaces.

C. Driggs said he was in favor of having a privacy fence and allowing people to walk these trails. He had examples related to the complaints from residents.

C. Spear agreed with C. Driggs and said he had walked these trails many times, and people were on the trails twenty-four hours a day. C. Spear added the intent of having the four-foot fences or open fences was so that the trail walkers would have a solid wall of vinyl fencing, and also for the safety of the walkers.

Mr. Goodwin said there was only one spot where that issue could happen which was just 400 feet moving up the hill in this area where the trail opened up a bit more. In the past, they discussed this as a safety issue, but he really felt safety went both ways for having and not having the fence. They had seen an increase in dog fights and attacks on the trails over the years and he did not know if the fights were from residents or people on the trails with their dogs. They made an effort to get people to leash their animals.

C. Dodge said it looked like a part of the restriction only applied where the trail segment was greater than 130 feet and to avoid a 400-foot long area. He was unsure what the requirement was everywhere else because the 30-foot portion only applied to those restricted locations.

Ms. Peay said if the Council looked further down in section B it stated there could be something else, provided they had Planning Commission approval.

Mr. Goodwin said this discussion was specifically to address where the trail system was adjacent to a major road. If the argument was safety and maintaining visibility, then having a privacy fence did not accomplish this. Therefore, it required a conditional use permit to put in a privacy fence when their property bordered a trail or major road. To date, there were no applications for that.

C. Dodge asked if they did not already allow 6-foot privacy fences. Ms. Peay said not if they were on this specific part of the trail map. C. Dodge read code language stating that “no greater than 6 feet where the trail was less than 30 feet wide.” Mr. Goodwin said it would be eliminated and just treated under the standard fencing code for the City. C. Dodge said their only restriction seemed like they were leaving details in terms of how they described materials.

C. Driggs understood security concerns. He thought they could add security measures. C. Anderson asked what the safety concern was with a privacy fence or not privacy fence adjacent to the trails. Mr. Goodwin said it was about creating visibility in a public area. He did not know if it was all that big of an issue.

C. Anderson asked if they would foster visibility through public fences. Mr. Goodwin said it was apocryphal; that was sort of the reason it was handed down to him; the reason these fences were not allowed next to trails was because of safety. He had not seen studies that these would create a less-safe environment. He thought it did on some level create a more challenging environment for the property owner to fully enjoy their property when they lived adjacent to a trail.

C. Anderson stated that this was a land use in general. When a person bought a house there, they were subject to restrictions on it. They could not complain because they bought it knowing the restrictions.

C. Spear asked if they would be flexible and amend it if there was an issue. C. Driggs said they would then be trading one safety issue for another issue. He generally tried to side with property rights whenever he could. He thought it would be great if the Planning Commission could give the property owners the ability to secure their yards. There was subsequent discussion on the matter.

C. Dodge said one way to look at this was that anywhere with a pathway less than 30 feet was considered a dangerous spot. Anywhere where the path width was greater than 30 feet would not be considered a safety issue. Images were presented to demonstrate this point.

C. Dredge said he felt the safety issue was overrated because in the last couple of years, people being attacked on paths was less likely than in larger areas with bushes and trees. He believed this would not affect that at all. Second, he thought the open fences made the path more

aesthetically pleasing. A person would have to have a privacy fence to get homeowners insurance, so the Planning Commission was effectively saying they could not have that. They need to have a privacy fence with a swimming pool. There was subsequent deliberation on the types of materials that could potentially be used for privacy fencing.

6. Discussion on Design Standards for Driveways and Slopes

Ms. Peay explained that they were looking to update this portion of the code in. In the past there were amendments made about driveways. This discussion would be specific to driveway slopes in residential areas only. She explained that some areas or lots within the City had steep slopes which presented challenges to developers to try and move their parcels without flat roads. This was more relevant to the hillside area than anywhere else in the City, but they did have some within the City that would fall under this category. She was made aware of this from previous projects with stooped slope driveways that created an 8% grade and some grades up to 12% stretches. In the past these were allowed if they did a safety stairway on the side of that area. With future construction into the hillside area, and recent situations to a homeowner that installed a steep driveway in the community, it was contested by the building department and the owner did not want these code compliant stairs on their driveway. Ms. Peay stated they wanted to evaluate safety issues and amend the code to establish standards and more specific guidelines for these driveway slopes. Currently in their own language, they would amend 10-5-5 of a development code section A and B, under M-ii-A14 and C5 to adjust these standards. This also pertained to 10-4D-A, 11-5-2, 10-6D-8, and 10-6B-7. The City code was vague regarding slopes. Last time it was updated was October 2006. They would also create safety aspects and emergency codes regarding access. They requested the support from the Fire Marshal, and what he had indicated to them was that it would not allow rescue groups to use steep driveways for access during emergencies. There would be difficulty or impossibility of getting equipment to homes and access driveways without breaking code compliance steps. Section R311 of the 2015 International Residential Code was referenced for requiring steps.

C. Dredge asked if at present time, there was anywhere in the code that discussed slopes in specific numbers. C. Dodge said they did discuss slopes specifically. The language there was confusing. Ms. Peay said one thing they wanted to do was clarify the code.

C. Dodge said that per code “no private driveway within the area can create a slope that exceeds the current requirement of the code or with a grade over 5 feet” and he wanted to know what this meant. Mr. Goodwin said there was a lot of variability in that number. What it came down to was that their code allowed up to 8% grade. Their design standards allowed for some provisions up to 12% which was a steep driveway. They had a driveway installed, but portions of the slope were north of 30%. So this was the situation where the fire marshal came to them and said if there was an emergency in that house and the house was on fire and this was iced over, he said he could not get an apparatus up there. In this particular case they requested the homeowner put in code compliant steps so that in an emergency, the public safety personnel could access the home safely. They did not want to do that, and the City code did not have any teeth to enforce it. He wanted to give the City the ability to say, “yes you can have a steep driveway it just had to be approved by the correct officials, but also it needed to be accompanied by code compliance steps.”

C. Dodge said he did not want to over restrict people; 8% was lax, 12 % was very steep. He liked the idea of finding ways to mitigate. Ms. Peay said that was the main reason why they brought this in for their opinion.

C. Driggs asked if there was anywhere in the code where the City required steps. Mr. Goodwin said it could have some kind of approval process for above 12%. He wanted to have the mayor and council approve that with the condition typically, if not always, with adjacent steps leading to the space to make it safe.

C. Spear clarified if “adjacent steps” needed to be right next to the driveway. Mr. Goodwin said they could be right next to the driveway or moved to another area; the steps should be adjacent to the home.

C. Schloer asked if there will be some type of action that stated they knew the emergency access was an issue. Mr. Goodwin asked if he was referring to homes currently out of compliance. There was no way the Planning Commission could retroactively post-date the ordinance. They could address it by recognizing that the driveway was too steep. Ms. Peay said they wanted to go back and address both.

C. Dodge agreed with Mr. Goodwin on the idea of mitigating something within the code such as required staircases that led from the main entrance to the driveway and sidewalk. Also, they needed to get approval by the City Council with the recommendation of emergency personnel.

C. Dodge suggested looking at what had other cities had done. He asked if there was a driveway standard that existed. Mr. Goodwin stated there was not a standard that was shared widely throughout the communities. IRC did not address driveways. They also looked at APWA standards for both slopes. They did not mention driveways specifically.

C. Driggs asked how they got around the numerous houses that already exceeded this limit within the City. Mr. Goodwin explained that in the past when they saw a driveway that was not compliant, many times previous building officials started saying “ok they’ll need to put steps in” and many people put steps in. But when the push came, there was nothing in the code that said they had to put steps in.

Potential solutions for moving forward on this item were further discussed.

7. Discussion on Building Heights for Accessory Structures.

Mr. Goodwin said in R-1-20,000 zone when lots were built, the Council had discussed that for every foot in elevation a developer had to build another two feet away from the property line. However, in reviewing the code that was adopted it did not really read that way. Mr. Goodwin noted that this ordinance was from 2004. The one they were looking at was 10-4b-a under section C which only addressed this one zone. An additional 5-foot language was not desired, because it did not reference the ratio they developed.

C. Dredge said that was what the setback requirement said. Mr. Goodwin said the main building was not connected to this setback requirement, so it read as though their neighbor could put their farm five feet away from their driveway. C. Dredge said they could put their 20-foot mark there.

Mr. Goodwin asked if the Planning Commissioners were okay with the code language, noting that it could be changed. After some discussion, C. Dodge clarified that they wanted the code to say the use of the setback requirement was that a person could add an additional foot for every two additional feet beyond the setback.

Mr. Goodwin said he wanted to prevent the ability to put a 25-foot building five feet from a yard. C. Dodge said in this particular zone, accessory structures in front of a main building had to be more than five feet. Mr. Goodwin said a setback could be 12 feet or more, and it depended on the subdivision.

C. Dredge said they were only talking about times in that situation where any structure that could be built was inside the main lines. However, Mr. Goodwin stated he could put an accessory structure in that same envelope so that it could only be 20 feet high. C. Anderson said that did not capture the idea of maximizing the other space unless they had a big enough lot. It was questioned as to whether or not this was indicated within the code language.

C. Driggs said he did not see any differences with five additional feet. C. Dodge said in his neighborhood five feet made a difference. They were trying to incentivize those with larger lots. He did not know if he needed to do two and one. Mr. Goodwin then said that he did not think there was an issue. Further discussion ensued.

8. Discussion on Commercial and Residential Landscaping Requirements

Mr. Goodwin said they were specifically talking about the commercial landscaping requirements with this item, as they had already gone over residential requirements.

C. Spear had read the minutes and it seemed like the Commission was reluctant to reduce to 30% landscaping requirement. C. Dredge said he felt there were lots of designs in what a person could put in that 30%.

Mr. Goodwin asked if the discussion could hinge on that specifically. Not creating park space, it was just rock, grass detention basins, etc. Park strips typically had trees in them. These were useable areas where the City could demonstrate a way to conserve water.

C. Spear said she wouldn't want to mow that or worry about it. Mr. Goodwin said that was what they were trying to promote: that other forms of landscaping existed. C. Spear asked where they could use gravel. She asked if they put irrigation to keep trees alive. Mr. Goodwin said yes, they put in a drip system.

Mr. Goodwin explained that businesses struggled with the 30% of maintenance on their structure. C. Anderson asked if every single tree counted towards that amount, to which Mr. Goodwin answered affirmatively.

C. Driggs said whether it was 15% or 20% or 30% all property owners were not into that because they struggled to keep their properties up regardless of percentage. Mr. Goodwin said they could think about taking it from 30% to 20% but he would not count hardscape. It had to be some type of landscaping material.

C. Driggs asked if what existed in the Gateway Subdivision had received any complaints. Mr. Goodwin said not yet. However, they were asking them to help with detention basin to make grass which counted towards the 30%.

C. Driggs mentioned that per the General Plan, the City wanted a walkable atmosphere that brought people together which had not come to the fruition in the way they wanted. He was on the side of Cedar Hills; developers needed to meet the 30%. C. Dodge agreed. He said years ago they had a master plan with one developer, and it was meant to look like what was described here and it got away from that. If they started to give in on their landscaping, they would lose the goal they had previously set.

Mr. Goodwin suggested xeriscape requirements and said they had to take the time to imagine what that would look like. He saw good and bad ones. They needed to give and allow more xeriscape if they did not want to change the 30%. C. Spear was not against reducing 30% and adding more xeriscape.

Mr. Goodwin said the overall percentage had to be at 30%. The State continually evaluated water and cities were accountable for every drop of water. He asked if they were creating an environment that wasted water or that served it. What made sense were evaluating the strips.

C. Dodge asked if pines required more water, indicated that he wished they would plant more. He wondered if this was another step toward saving water by introducing other trees that used less water. There was further discussion on the types of landscaping materials that could potentially be used that would conserve water, be reasonable to maintain within the 30% requirement, and would be allowable to the State.

ADJOURNMENT

This meeting was adjourned at 8:41 p.m. on a motion by C. Spear, seconded by C. Dredge and unanimously approved.

Approved:
February 25, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder