



# HIGHLAND PLANNING COMMISSION MINUTES

## TUESDAY, MAY 28, 2024

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

**Approved June 25, 2023**

### VIRTUAL PARTICIPATION

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

Email comments prior to meeting: [planningcommission@highlandcity.org](mailto:planningcommission@highlandcity.org)

### 7:00 PM REGULAR SESSION

Call to Order: Chair Audrey Moore

Invocation: Commissioner Trent Thayn

Pledge of Allegiance: Commissioner Christopher Howden

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 Thayn and those in attendance were led in the Pledge of Allegiance by Commissioner Howden.

**PRESIDING:** Commissioner Audrey Moore

### COMMISSIONERS

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

**CITY STAFF PRESENT:** City Attorney Rob Patterson, Planning Commission Secretary Heather White

**OTHERS PRESENT:** Jon Hart, Robby and Jennie Robbins, Andrew Patterson

### 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 Stephannie Cottle, City Recorder*

*Commissioner Howden MOVED that the Planning Commission approved the minutes from the April 23, 2024 meeting.*

*Commissioner Maughan mentioned that her name was spelled wrong in the document and asked that it be corrected.*

*Commissioner Maughan SECONDED the motion with the requested correction. All present were in favor. The motion carried unanimously.*

### **3. ACTION ITEMS**

#### **a. Amendments to Fence and Retaining Wall Regulations - HDC 3-612 Development Code Update (Legislative)**

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will conduct a public hearing and consider potential amendments to the City's fencing and retaining wall regulations.

Mr. Patterson reviewed the clarifications in the proposed amendments. He discussed situations that city staff addressed in the past and said that Highland needed a clear definition of a retaining wall. He talked about fences, retaining walls, and trail/open space corridor fencing. He said the long-standing goal of the city was to maintain an open feel and to make sure there was visibility in narrow alleys. Mr. Patterson mentioned that the city council wanted to consider two new exceptions to the current code: 1) Allow six-foot privacy fencing along trail and open space corridors if the corridor was short, meaning no longer than 200 feet long or one residential lot deep (whichever was shorter), or 2) if the corridor was adjacent to public property that was either not fenced or had open fencing. Mr. Patterson showed the trail near Winter Meadows near Murdock Canal Trail. He said there was a short corridor that connected the cul-de-sac to the Murdock Canal Trail. He said the exception would allow residents to install a six-foot privacy fence along the corridor. Mr. Patterson also discussed Freedom Elementary School. He said the proposed change would allow residents to install privacy fencing because the school property was fenced with chain link. He said some residents asked that the six-foot fence be allowed for everyone along the corridor. Commissioner Thayn wondered what the concern was with keeping the corridor open. Mr. Patterson explained that the city wanted to maintain an open feel. He said graffiti was sometimes an issue, but safety was generally not a problem. Commissioner Maughan mentioned that she felt very safe in Highland, however, there were trails that she would not walk on after dark. Commissioner Kramer pointed out that kids would be using the trail to walk to school and that it would be nice to keep it open for them. The commissioners discussed other areas in the city with narrow trail corridors. They talked about landscaping that encroached or blocked corridors. Mr. Patterson pointed out that landscaping was part of the proposed fencing definition. The commissioners talked about the need to educate residents about maintaining vegetation along trail corridors through monthly utility mailings. They concluded that it was beneficial to have something in the code requiring the maintenance of vegetation along corridors. Commissioner Kramer mentioned that she did not like the proposed six-foot fence along the corridor adjacent to the elementary school.

Mr. Patterson discussed other proposed changes. He said changes for building permits for retaining walls would reflect correct international building code requirements. Changes to public and utility fencing would allow chain link and allow greater flexibility in fencing requirements, but also required public entities and utilities to use open style fencing adjacent to trail corridors. Commissioner Kramer talked about fencing styles at the different elementary schools and thought silver chain link looked very industrial. Other commissioners agreed. Mr. Patterson suggested adding a stipulation that required vinyl coated chain link fencing to be used by public entities.

Mr. Patterson asked the planning commission to consider height of retaining walls. He discussed the current code requirements and talked about combined retaining wall/fence requirements. He showed a diagram depicting code requirements. The planning commission thought it was good to include the diagram in code regulations.

Mr. Patterson discussed height and setback requirements of fencing along busy roads. Based on requests from residents, he asked the commissioners to consider eight-foot fencing on property lines for lots adjacent to collector and arterial roads. The planning commission discussed whether or not two additional feet would make a difference in reducing noise and agreed that eight-foot fencing was too tall. They considered allowing fencing on property lines. They discussed fencing using vegetation. It was concluded that vegetative fencing was okay as long as trail corridors, sight lines, etc. were open and maintained.

The commissioners discussed theme wall requirements along major corridors and architectural uniformity for perimeter walls of developments. They discussed current code requirements and the possibility of creating a spec for theme walls on collector roads. They discussed costs that might be required for homeowners. Concerns were voiced regarding residents who might not be able to afford replacement costs of a theme wall.

Commissioner Moore opened the public hearing at 8:20 PM and asked for public comment.

Resident Robby Robbins said he lived on his street for 18 years. Traffic increased exponentially since the road now connected to Cedar Hills. He said it rivaled Alpine Highway. They never had a fence on the lot but were asking for an exception. Their dog was killed by a car. He did not think that a six-foot privacy fence would obscure anyone's vision. He requested that the fence be allowed on the property line because current setbacks would make them exclude half of their yard. He said their fencing would match the neighbor's fence which was six-foot tan solid vinyl fencing.

Resident Jennie Robbins mentioned that the road was used for drag racing. She said drivers used the shoulder sometimes as another lane and almost hit kids on the sidewalk. She talked about how loud the traffic was and how a car drove up into their yard. She said they loved the open trails but needed some kind of safety for their kids.

American Fork Resident Andrew Patterson said he developed property in Highland. He explained that he recently asked for a variance for an eight-foot fence in his development because of property effected by a collector road. He talked about a house with roads on three sides, similar to the Robbins house, and proposed that Highland consider an eight-foot fence. He liked the option of using two different materials: two feet as a retaining wall with a six-foot fence on top. He liked a little more openness with the fence set away from the sidewalk. Mr. Rob Patterson mentioned that a two-foot retaining wall with a six-foot fence was currently permitted in Highland.

Commissioner Moore asked for additional comments. Hearing none, she closed the public hearing at 8:47 PM.

Mr. Patterson reviewed the changes to the proposed amendment. The planning commission recommended that the council discuss adopting a theme wall standard or specifications for home builders or developers to comply with as they build or replace retaining walls along major collectors. Commissioner Howden voiced concern with changing a city ordinance in order to help one lot. Commissioner Kramer thought a privacy fence against the sidewalk looked terrible, no matter of how wide the road was. There was additional discussion regarding the pros and cons of allowing fences against sidewalks.

*Commissioner Abbott MOVED that the Planning Commission recommend the approval of the proposed amendments to Section 3-612 of the Development Code with the following three (3) additions:*

1. *Allow public and utility entities to use vinyl-dipped chain link fencing along with other fencing types as*

*defined in current city code.*

2. *Revise the legal definition of a fence to not include vegetation but also reinforce trail, sidewalk, and view corridor clearing to not let vegetation grow.*
3. *Allow fencing along major collectors to be on side lot property lines.*

*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>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>No</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Absent</i>

*The motion carried 6:1*

#### **4. ADJOURNMENT**

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

The meeting ended at 9:19 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 28, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

# Welcome to the Highland Planning Commission Meeting

## May 28, 2024

**Please Sign the Attendance Sheet**



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## 7:00 PM REGULAR SESSION

Call to Order - Chair Audrey Moore  
Invocation - Commissioner Trent Thayn  
Pledge of Allegiance - Commissioner Christopher Howden

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## UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non-agenda items.

- Please state your name clearly.
- Limit your comments to three (3) minutes.

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## CONSENT ITEMS

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2a. Approval of Meeting Minutes: April 23, 2024 *General City Management*

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## PUBLIC HEARING: FENCE AND RETAINING WALL REGULATION AMENDMENTS

*Land Use (Legislative)*

Item 3a. - Action Item  
Presented by - Rob Patterson  
City Attorney, Planning & Zoning Administrator

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## Background

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- Staff have dealt with several issues related to fences that have resulted in code compliance efforts, variance requests, and questions from residents.
- After discussion with the City Council on May 21, 2024, the Council directed staff to draft amendments to the fencing and retaining wall regulations for consideration by the Planning Commission and City Council.
- Because this is a legislative matter, the Commission can consider different or additional amendments

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## Proposed Amendments - Clarifications

Staff proposing several clarifying amendments:

- Definitions: athletic courts & fencing, open/privacy, height, finished grade, screen/theme wall.
- Approval process and conditional approvals
- Remove redundant language (heights, setbacks)
- Adding specific permission for certain fences
- Theme and screen walls are primarily private fences
- Fence/wall and supports on applicant's property

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## Proposed Amendments - Changes

Staff is proposing several substantive amendments:

- Definition of Retaining Wall: "Any structure designed to resist the lateral displacement of soil or other materials to a slope that would not naturally be sustained (typically a steep, near vertical, or vertical slope) in accordance with accepted engineering practices, building code requirements, and/or manufacturer specifications."
- Does not include structural walls (basement, foundations)
- Does not include portions of the wall not necessary to support retained material - counts as fence instead

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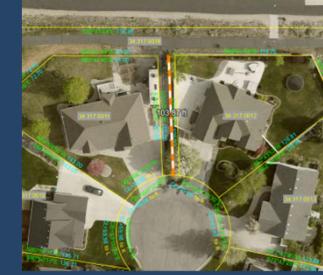
## Proposed Amendments - Changes

- Trail/open space corridor fencing:
  - Current: if corridor is <30' and not adjacent to public right of way, or >30' but not visible from two public places, then fence is limited to 4' privacy, 2' open (55%) Otherwise, full privacy fence is permitted
- Proposed: Adds two new exceptions for privacy fence
  - Corridor under 200' or one lot deep and connects public areas
  - Corridor near public property that is not fenced or has open fencing (Freedom Elementary)

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## Example - Windsor Meadows

- ~100 ft long



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## Example - Windsor



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## Example - Spring Creek

- Spring Creek Park
- ~170 ft long



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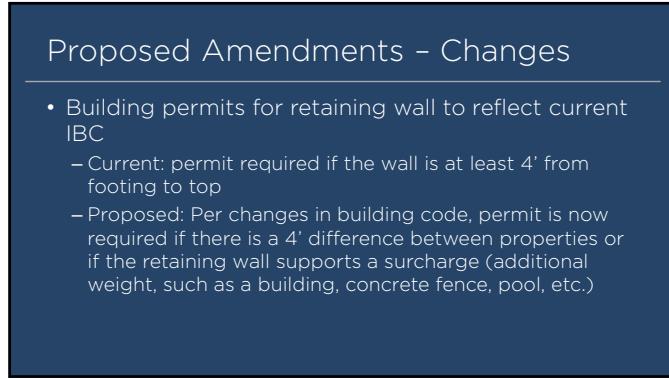
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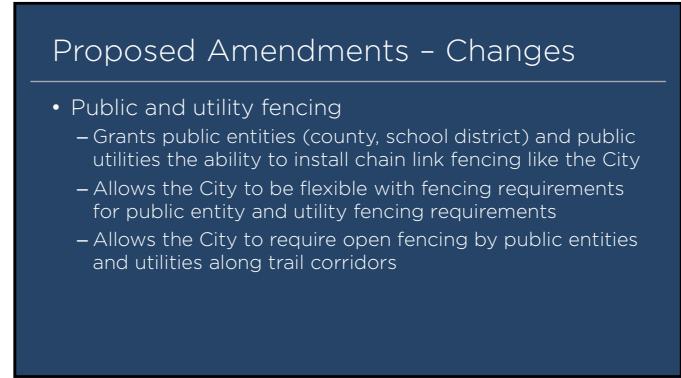
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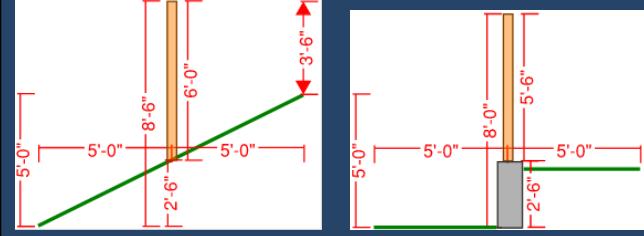
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## Other Considerations Not Proposed

- Fence and retaining wall height current rules:
  - 8' combined wall/fence privacy height limit from lower property (or 6' wall 6' open style fence)
  - Standalone fences height measured from average finished grade within 5'
  - No restriction on grading/raising property, though retaining walls are limited to 6' max exposed height, with required 1'-1" setbacks between retaining walls
    - Allows regrading lots up to 2' to create 8' fence/wall
  - Restrict fencing height further on retaining walls?
  - Restrict grading of property?

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## Fence Height Diagram Examples



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## Other Considerations Not Proposed

- Fence height and setbacks along busy roads
  - Fencing generally not permitted within 30' front setback
  - Side lot fencing must either be open and on property line or can be privacy if set back at least 14' from curb
  - Fencing adjacent to arterial streets requires minimum 30' setback, regardless of height, type, or location of fence
  - Fence height generally restricted to 6'
- Allow higher fencing (8') for noise screening?
- Allow side lot line privacy fencing along collectors?
- Adjust arterial fencing setback requirements?

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## Street-Side Fencing



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## Other Considerations Not Proposed

- Other concerns with fencing, retaining walls, and permitting process?

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## 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.

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## Proposed Motions

- I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendments to Section 3-612 of the Highland City Development Code.  
[Planning Commission may specify additional or different amendments as part of motion]

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## PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

### a. Future Meetings

- June 4, City Council, 7:00 pm, City Hall
- June 18, Joint work session with Alpine, American Fork, Cedar Hills, Draper, Highland, Lehi councils on school district, 5:00 pm, City Hall
- June 18, City Council, 7:00 pm, City Hall
- June 25, Planning Commission, 7:00 pm, City Hall

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