



HIGHLAND CITY PLANNING COMMISSION MINUTES

Tuesday, June 28, 2022

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

Approved July 26, 2022

VIRTUAL PARTICIPATION

 YouTube Live: <http://bit.ly/HC-youtube>
 Email comments prior to meeting: planningcommission@highlandcity.org

7:05 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Commissioner Jay Roundy

Pledge of Allegiance – Commissioner Trent Thayn

The meeting was called to order by Planning Commission Chair Jerry Abbott as a regular session at 7:05 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Jay Roundy and those in attendance were led in the Pledge of Allegiance by Commissioner Trent Thayn.

PRESIDING: Commissioner Jerry Abbott

COMMISSIONERS

PRESENT: Jerry Abbott, Christopher Howden, Claude Jones, Audrey Moore, Jay Roundy, and Trent Thayn

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Attorney Rob Patterson, City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White

OTHERS PRESENT: Jon Hart, see attached Attendance sheets

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 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 – February 22, 2022

Commissioner Howden MOVED to approve the minutes for the February 22, 2022 Planning Commission meeting. Commissioner Moore SECONDED the motion. All present were in favor. None were opposed. The motion carried unanimously.

3. PUBLIC HEARING: CONDITIONAL USE PERMIT – ANGELA JOHNSON SCULPTURES

Administrative – Kellie Smith, Planner & GIS Analyst

The Planning Commission will hold a public hearing to consider a request by Angela Johnson for approval of a Conditional Use Permit for an art gallery in the R-1-40 Zone located at approximately 6233 W 10150 N. The Planning Commission will take appropriate action.

Ms. Smith explained that the applicant was working on a sculpture project that would eventually be moved to Thanksgiving Point. The city received complaints regarding tours held at the resident's home. Complaints included car lights at the back of the property, frequency of tours, and the number of people attending the tours. As a result of the complaints, city staff met with the applicant to try to remedy the situation. They considered the definition for a home occupation, but it conflicted with what they were doing. She mentioned that the sculptures and tours were happening in a detached building approximately 175 ft away from the main dwelling. She reviewed the current layout of the property. Ms. Smith mentioned that the applicant originally applied for a home occupation license. As part of that application a radius notice was sent to neighbors. Six letters were received with concerns regarding lack of privacy, parking, frequency of tours, and employees. Ms. Smith reviewed the code for conditional use permits. She said the applicant was requesting a conditional use permit approval for an art gallery in a detached garage on the back of the residential property.

Commissioner Roundy wondered what would happen if the owner sold, rented, or transferred the property to a nonprofit or someone else. Mr. Patterson explained that the draft included an expiration of the conditional use permit if there was any change of ownership. It was stated that the applicant lived on the property.

Commissioner Abbott opened the public hearing at 7:20 PM and called for public comment.

Resident Thomas Butler said he lived directly across the street from the applicant. He was not opposed to the applicant or her talent. He said Ms. Johnson's rights were valid as long as they did not negatively impact the rights of her neighbors. He said if she was forthright about the use of the property it could have been done in a legal way. He thought that establishing a commercial use in a residential zone was problematic for most people. He was not opposed to Ms. Johnson creating and storing the sculptures on her property. He said the tours were the problem. He wondered who defined what a public or private tour was and thought "friends and family" was a marketing gimmick. He said that public vs private and friends vs. visitors were indistinguishable by neighbors. He said neighbors had been impacted for months by the illegal use and she was holding three or more tours per day sometimes seven days per week. Mr. Butler suggested displaying the statues at city hall or the library. If that wasn't possible, he suggested repainting the address on the curb with reflective paint, posting the address prominently on the mailbox on both sides, installing a light on the barn, restricting commercial signage, and restricting parking on the street.

Mike Gosar mentioned that Ms. Johnson had been doing the sculptures and tours for three years. He talked about statures along fences that effected the privacy of neighbors. He said he was not against the art, but the use of the property. He said there needed to be limitations if the use was approved. He said Ms. Johnson was negatively impacting the neighbors. He talked about the precedent that approving this conditional use might set for the rest of the city. He thought the work on the property needed to be done differently than it had been for the last three years. He said people pulled into his driveway quite often because they couldn't find Ms. Johnson's house.

Resident Brett Folkman, chairman of the nonprofit, explained that previous comments were based on the situation six months ago when multiple tours were held each day for large groups. He talked about the number of recent tours and group size. He agreed that the larger tours would be upsetting to neighbors. Mr. Folkman talked about the privacy fence on the property and said Ms. Johnson was fine with stipulations including a 2024 expiration date. He said big tours were no longer held. He said tours now were for potential donors who needed to be in the studio to see the sculptures. He said they were not selling anything and that the tours needed to be very scheduled.

Resident Mindy Stevens said she loved the project and everything about it, but voiced concern with the number of kids on the street. She was concerned about the traffic and the 20 kids, three with special needs, along the road. She mentioned that there were over 300 statues with frequent trucks transporting them.

Resident Kelly Reimschitssel thought "studio" would have been a more appropriate name than "gallery". He voiced concern regarding the exposure/traffic on the street. He said he was supportive of Ms. Johnson's work, grateful for it and had no problem with it. He was also concerned with the precedent that an approval might set moving forward. He said he wanted to maintain the quiet rural residential feel of the area.

Resident John Stevens said he loved the project but was opposed to what was going on. He had concern about the mistruths of 100 statues. He said Ms. Johnson previously approached him about being the chair for the project and he turned her down because of the amount of money that needed to be raised, the number of people that needed to visit, and the number of items that needed to be done in order to make it happen. He talked about the amount of money that was needed and did not want Highland to be known as the place where rich people could get conditional use permits. He said it was not a religious issue and needed to be based on the merits of the conditional use permit. He voiced concern regarding the 20 children that played in the neighborhood and said it was not a road that was built for traffic.

Resident Lynne Butler said she lived across the street from Ms. Johnson and voiced concern regarding how the situation was misrepresented. She said that just because it wasn't on the calendar didn't mean it wasn't happening. She talked about the number of tours and people going to Ms. Johnson's studio. Ms. Butler said she loved the project but did not love what seemed to be misrepresentation. She asked the Commissioners to define the difference between a public and private tour, define who were friends and family, and asked that people park in the back. Ms. Butler talked about people not being about to find Ms. Johnson's house. She said Ms. Johnson needed to do something to mitigate the effect on neighbors.

Resident K. Schramm said she was not directly affected by the applicant, but fully supported the concerns of the neighbors. Ms, Schramm said she spoke to Ms. Johnson who promised to not have tours. Ms. Schramm thought the use should be called a studio. Ms. Smith explained that it would have been a different process that would have taken a couple of months and was not a consideration at the time. Ms. Johnson encouraged the commissioners to talk to Ms. Johnson.

Resident Machel Bateman lived directly east of the applicant. She had no problems with Ms. Johnson or the studio but did have a problem with the business. She said she had been directly impacted by the number of cars

and invasive people. She did not want Ms. Johnson to be able to hold tours. She spoke to the number of tours that were being held every day of the week.

Commissioner Abbott asked for additional comments. Hearing none, he closed the public hearing at 7:52 PM and asked for comments from the Commissioners.

Commissioner Roundy wondered if the sculptures could be viewed online so tours would not be needed. Mr. Folkman said a brochure would not be effective. He mentioned that there were 211 clay figures, and the final collection would include 100 larger than life sculptures. He said a lot of misinformation had been shared. He explained that the project could not be lifted and relocated.

The Commissioners considered the proper use for the area. They talked about the difference between a studio and a gallery. Mr. Patterson explained that there was no current definition in city code that differentiated between an art studio or art gallery. He said a studio seemed to have a teaching element to it, art gallery did not. He said the city was attempting to regulate the visits to the property for viewing, but not the creation of the art. Ms. Smith explained that a nonprofit organization would still be classified as a business. She pointed out that they needed donations to continue the project.

Commissioner Abbott wondered if ADA rules applied to the property. Mr. Patterson said the Commissioners could add a stipulation to the conditional use permit pertaining to ADA rules. The Commissioners discussed parking regulations.

Commissioner Moore wondered who wouldn't be a donor when everyone was charge \$10 for a tour. She said if the nature of the charity was to collect donations to accomplish the work, donations were taken from everyone, but that caused it to be a business and created a conflict between studio and gallery. Mr. Folkman said they had not charge for tours since April.

Commissioner Thayn wondered if it was a business or an expensive hobby. Mr. Folkman said it was a nonprofit that would be donating the sculptures to Thanksgiving Point. Mr. Patterson said nonprofits were considered businesses in city code.

Commissioner Jones wondered if Ms. Johnson intended to stay at the current location. Mr. Folkman said there was no way to move the studio.

The Commissioners discussed the number of volunteers at the studio each day. They discussed reasonable number of visits from protentional donors. They discussed what could be regulated and enforced.

Mr. Folkman said the tours for people who donate \$1,000 or \$5,000 had stopped. He said they were fine stipulating large donors who wanted to see the project before donating to the charity. He was struggling with the traffic issue based on other home businesses or other residents inviting friends over. He thought what they were asking for was no different than what residents already did with at-home businesses or having a lot of people at their home all the time. Commissioner Abbott didn't think the differences could be compared. He pointed out that a big pool party was an approved use, but Ms. Johnson's use was not.

Commissioner Thayn wondered how to enforce stipulations regarding friends and nonfriends and how neighbors would be notified of scheduled tours. Mr. Folkman suggested that he create a Google calendar for the neighbors to see when tours were held.

The Planning Commission talked about enforcing stipulations for a conditional use permit and revoking the permit if stipulations were not met. They also talked about business license enforcement. They talked about how to define a tour and if cars should be limited instead.

Commissioner Thayn wondered if Ms. Johnson’s personal rights of inviting friends/family to her house would be potentially restricted due to stipulations of a conditional use permit. Commissioner Abbott thought Ms. Johnson was open to the stipulations that they were discussing. He said she had a right to have personal friends/family to her house. He suggested that she might let her neighbors know about large personal gatherings. Mr. Folkman suggested that he meet with neighbors most impacted to see if they could reach a solution.

Commissioner Abbott called for a motion.

Commissioner Thayn MOVED to approve the conditional use permit for an art gallery at property for the creation and storing of artwork with the condition that no tours be allowed.

Mr. Folkman questioned whether or not a business license was needed if no tours were permitted because the nonprofit organization had nothing to do with Ms. Johnson’s property. Mr. Patterson explained that a business license was still required since contributions were solicited for things happening on the property.

Commissioner Moore talked about the series “Chosen” and the preliminary work online to gather contributions for the project. She didn’t understand why Ms. Johnson couldn’t do something similar. Mr. Folkman said they had two videos that were beautifully done, but no contributions had been received through it.

Commissioner Roundy seconded the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>No</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>No</i>
<i>Commissioner Audrey Moore</i>	<i>No</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion failed 3:3

Commissioner Abbott explained that he liked the motion except he thought she should be allowed to have tours. Commissioner Howden explained that he agreed with the motion because of the lack of clarity with “tours”.

Commissioner Jones MOVED to recommend approval of the conditional use permit for Angela Johnson Sculptures subject to the following stipulations:

- 1. The site shall comply with the site plan and elevations received January 5, 2022.*
- 2. The structure and site be updated to follow ADA requirements. These improvements shall be reviewed and approved by the City Building Official.*
- 3. The proposed use apply for a Highland City business license.*
- 4. A fire inspection be required as part of the business license application process.*
- 5. Due to the unique circumstances of this use, the conditional use permit shall expire when the property is sold to a new owner or the structures associated with the conditional use are converted to another use. The conditional use permit expires end of July 2024.*
- 6. Maximum of two cars per tour, maximum of two tours per week, tours must be concluded by 7:00 PM.*

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>No</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>No</i>
<i>Commissioner Trent Thayn</i>	<i>No</i>

Motion failed 3:3

Commissioner Thayn and Commissioner Roundy explained that they were concerned about the harmony of the neighborhood and traffic. Commissioner Howden mentioned the pattern of noncompliance but thought the solution could be accomplished individually. Commissioner Roundy thought the tours and the impact to the neighbors was the biggest issue. Commissioner Abbott thought the city might restrict this landowner more than other at-home businesses that had more cars. He thought the bigger tours held previously were the nuisance. He thought there were other uses within a residential area that had more than two cars show up at a time. Commissioner Moore thought this was an exception because Ms. Johnson was aware of the noncompliance but did it anyway. Commissioner Roundy agreed that a conditional use permit could be revoked if there was a violation of terms.

Commissioner Abbott called for a short recess at 9:13 PM.

Commissioner Abbott called the meeting to order at 9:20 PM.

Mr. Folkman explained that he and residents had come to an agreement during the break regarding stipulations.

Commissioner Jones MOVED to recommend approval of the conditional use permit for Angela Johnson Sculptures subject to the following five (5) stipulations recommended by staff and an additional stipulation agreed upon by Mr. Folkman and neighboring residents:

- 1. The site shall comply with the site plan and elevations received January 5, 2022.*
- 2. The structure and site be updated to follow ADA requirements. These improvements shall be reviewed and approved by the City Building Official.*
- 3. The proposed use apply for a Highland City business license.*
- 4. A fire inspection be required as part of the business license application process.*
- 5. Due to the unique circumstances of this use, the conditional use permit shall expire when the property is sold to a new owner or the structures associated with the conditional use are converted to another use. The conditional use permit expires end of July 2024.*
- 6. Maximum of two donor automobiles per visit. No buses. No more than seven tours per month. Two tours can conclude by 8:00 PM, all others will conclude by 7:00 PM. If tours are held at dusk or after dark, attendees will park on the cement pad and not on gravel. New house numbers will be painted on the curb and put on mailbox. Lighted house numbers must be visible.*

Ms. Smith reminded the Commissioners and residents that the Highland Municipal Code did not allow businesses to be open on Sundays.

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 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

4. PUBLIC HEARING: TEXT AMENDMENT – POOL STRUCTURES *Legislative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Robert Ghent to amend Section 3-4111 Swimming Pool regarding permanent structures that enclose or cover pools. The Planning Commission will take appropriate action.

Ms. Smith said the applicant submitted a building permit application for an accessory structure over his existing pool. The permit was denied because of the size of the structure. She reviewed the details of the current requested text amendment.

Commissioner Abbott opened the public hearing at 9:35 PM and called for public comment. Seeing no one in attendance, he closed the public hearing at 9:35 PM.

The Planning Commission discussed the potential impact on smaller lots and the possibility of unattractive enclosures. They determined that they were not prepared to address specific design criteria for pool enclosures.

Commissioner Moore MOVED that the Planning Commission recommend denial of case TA-22-09 a request for a text amendment to Section 3-4111 Swimming Pools based on the following findings:

- 1. Planning Commission will not specify material needed for pool coverage.*
- 2. Planning Commission does not want to make pool enclosures square footage not count as a percentage of accessory buildings.*

Commissioner Thayn 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 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

5. PUBLIC HEARING: TEXT AMENDMENT – REMNANT PARCELS *Legislative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Chapter 5 Subdivisions in the Development Code relating to remnant parcels. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 9:45 PM and called for public comment. Seeing no one in attendance, he closed the public hearing at 9:45 PM.

Ms. Smith reviewed the details of the proposed text amendment. She explained that the city’s goal was to provide reasonable road and utility access to all properties. She said remnant parcels needed a plan as part of a preliminary plat to ensure appropriate infrastructure was planned for. She said the city was trying to eliminate remnant parcels. The Planning Commission reviewed the proposed changes.

Commissioner Roundy MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Chapter 5 Subdivisions relating to remnant parcels.

Commissioner Jones 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 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: TEXT AMENDMENT – HOME OCCUPATIONS *Legislative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-614 Home Occupations to allow for a home occupation in every residential unit. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:04 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:04 PM.

Ms. Smith explained that the amendment would allow home occupations in any residential unit.

Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Sections 3-614 and 3-4716 relating to home occupation licenses.

Commissioner Roundy 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 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. PUBLIC HEARING: TEXT AMENDMENT - FRACTIONAL NUMBERS

Legislative - Kellie Smith, Planner & GIS Analyst

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-4103 Area and Width Requirements to address a discrepancy in the Development Code relating to the number of allowable lots in residential zones. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:05 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:05 PM.

Ms. Smith explained that there was a discrepancy in code. After discussing different scenarios, the Planning Commission agreed that rounding down was the best option.

Commissioner Thayn MOVED that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendment to Section 3-4103 Area and Width Requirements.

Commissioner Roundy 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 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

8. PUBLIC HEARING: TEXT AMENDMENT - LOT COMBINATION/PLAT AMENDMENTS *Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Article 5-10 Adjusting Property Boundaries; Amending a Recorded Plat to simplify the approval process for the combining of lots or parcels. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:07 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:07 PM.

Ms. Smith reviewed the proposed amendment and explained that it would simplify the process for combining lots with the same property owner. She said it would only lower density.

Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Article 5-10 Adjusting Property Boundaries; Amending A Recorded Plat relating to the combining of lots or parcels.

Commissioner Jones 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 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

9. PUBLIC HEARING: TEXT AMENDMENT - SETBACK ENCROACHMENT *Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Sections 3-4104, 3-4204, and 3-4254 Location Requirements relating to encroachments into setbacks for main dwellings in residential zones. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:11 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:11 PM.

Ms. Smith explained that there was some confusion regarding setbacks and where they should be measured from. She reviewed the changes and said the proposed amendment included cantilevers and bay, bow or box windows needing to meet building setbacks. She said the proposed definition was stricter than current code but allowed for a small setback encroachment to allow for things such as outdoor stairs and small cantilevers. She said it would not include the roof overhang but would include support posts.

Commissioner Howden mentioned that there were lots within the city with a property line that extended into the street. He said some residents had built right to the sidewalk. The Planning Commission discussed options for measuring setbacks.

Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to the setback requirements in the R-1-40, R-1-30, and R-1-20 zones with the following stipulation:

- 1. City code be amended to include the provision that any setbacks are the shortest distance between the property line and back of asphalt, back of curb, or back of sidewalk, whichever is closest.*

Commissioner Thayn 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 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

10. PUBLIC HEARING: TEXT AMENDMENT - RETAINING WALLS *Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-612 Fences, Retaining Walls, Theme and Screen Walls to address retaining walls for daylight basements and window wells. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:20 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:20 PM.

Ms. Smith explained that the city received many requests for retaining wall permits adjacent to daylight basements or window wells. She explained that retaining walls for daylight basements and window wells faced the homeowners only and were not visible from the street or adjacent properties. The amendment proposed a maximum height of 11 ft. She said more homeowners were wanting rock retaining walls around their daylight basements rather than an extension of their foundation wall.

The Planning Commission discussed whether or not it was safe. Ms. Smith explained that 11 ft foundation walls were still allowed without the amendment. Commissioner Howden did not like the 11 ft height. Commissioner Thayn liked that the rock wall would have to be engineered.

Commissioner Jones MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Section 3-612 Fences, Retaining Walls, Theme and Screen Walls relating to the daylight basements and window wells.

Commissioner Roundy *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	No
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Yes
Commissioner Trent Thayn	Yes

Motion carried 5:1

Commissioner Howden was very concerned with safety and a possible 11 ft drop. Staff said they would have more information regarding safety and railing requirements as part of the discussion with the council.

11. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

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

a. Future Meetings

- July 5, City Council 7:00 pm, City Hall
- July 19 City Council, 7:00 pm, City Hall
- July 26, Planning Commission, 7:00 pm, City Hall
- August 2, City Council, 7:00 pm, City Hall

ADJOURNMENT

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

The meeting adjourned at 10:35 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 28, 2022. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary