

PLANNING COMMISSION MEETING

Tuesday, October 24, 2017 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: David Driggs, Chair, Presiding
Commissioners: Jared Anderson, Craig Clement, Lori Anne Spear, Steve Thomas (7:02 p.m.)
Absent/Excused: Jeff Dodge, John Dredge
Chandler Goodwin, City Manager
Denise Andersen, Council Liaison
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 at 7:00 p.m. by C. Driggs. C. Anderson was recognized as a voting member.

2. Public Comment

Cliff Chandler of 9051 Silver Lake Drive addressed a proposal relating to ground mounted solar systems, to which he was opposed. Mr. Chandler said he felt this structure was better suited for an industrial area and not a residential area. He asked that this type of structure not be installed anywhere within the City of Cedar Hills.

C. Driggs said the Commission previously recommended approval to the Council to allow ground mounted solar systems, which the Council did approve. The issue they needed to now address was how to mitigate future installations.

C. Clement commented there were setback and height requirements included with the recommendation. It was noted that the Commission was not unanimous in making their recommendation to the Council.

PUBLIC HEARING

- Amendments to the City Code Title 10, Chapter 7, Section 2, Relating to Building Plans
No comments.

SCHEDULED ITEMS

3. Approval of Minutes from the September 26, 2017 Planning Commission Meeting

C. Spear stated that C. Dredge did not preside over this meeting, C. Driggs did.

MOTION: C. Spear—To approve the minutes from the September 26, 2017 Planning Commission Meeting with the stated correction. Seconded by C. Clement.

Yes - C. Anderson
C. Clement

C. Driggs
C. Spear
C. Thomas Motion passes.

4. Review/Recommendation on Amendments to the City Code Title 10, Chapter 7, Section 2, Relating to Building Plans

Chandler Goodwin presented the staff report and explained the Cedar Hills building department, currently and in the past, had required Utah registered design professionals to provide design documents for all structures being built under the I-Codes with the exception of the International Residential Code (IRC). The most recent (201) International Building Code (IBC) Section 107.1 indicated that this was required only if the statute of the jurisdiction issuing permits for construction required it. IBC Section 107.1 stated the following:

“General. Submittal of documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.”

Mr. Goodwin explained that in an effort to continue providing for the safety of individual structures and the community as a whole, the requirement to provide registered design professional plan submittals should be recognized by Cedar Hills statute.

C. Thomas said a design professional meant either an architect or engineer, and Mr. Goodwin said this was correct. Mr. Goodwin then read the proposed language for Section 10-7-2 Plans Required, as follows:

“All applications for building permits submittal documents shall comply with the currently adopted International Building Codes including being prepared by a registered design professional. Exception: Submittal documents for construction completed under the International Residential Code prescriptive methods”.

C. Driggs asked if presently one did not need a design professional in order to make a submittal, and the proposed amendments changed this requirement. Mr. Goodwin said the changes only applied to commercial development. C. Driggs asked who the arbitrator was for international guidelines. Mr. Goodwin stated the City submitted its code for review to an organization; the process was similar to any other national standard the City adopted within its code.

C. Thomas said the State adopted a new code every two or three years. Mr. Goodwin said this was correct, and noted the City had already adopted the State’s most current code. However, the above stated language still needed to be adopted.

C. Driggs asked Mr. Goodwin to clarify what body represented the International Building Code. C. Clement said it was an industry. Mr. Goodwin concurred with C. Clement, and added it was industry comprised of architects, engineers, building code professionals, etc. He said there was a panel of individuals listed on the first page of the IBC document itself. Mr. Goodwin further explained the proposed language changes, as noted above.

In response to a comment from C. Clement, Mr. Goodwin noted the current language was first adopted in 1978. The Commission discussed what needed to be stated as part of the motion on this item.

MOTION: C. Clement—To recommend the proposed amendments to City Code 10-7-2 as presented in the background and findings listed in the staff report. Seconded by C. Spear.

Yes - C. Anderson
C. Clement
C. Driggs
C. Spear
C. Thomas Motion passes.

5. Review/Recommendation on Amendments to the City Code Title 10, Chapter 5, Section 38, Relating to Ground Mounted Renewable Energy Systems

C. Driggs stated this item was on last month's agenda; the Commission decided to continue the item to this meeting so as to provide Commissioners time to further research the issue.

Mr. Goodwin presented the staff report as well as a red-lined copy of the above stated ordinance with the proposed changes. He explained that based on City Council recommendation and the current desire for residents to have renewable energy systems installed at their homes, there was a need to regulate these systems so as to mitigate any negative impacts that may occur to the surrounding property owners. The proposed code provided a method for calculating the setback for a ground mounted solar system by having a minimum setback, plus an additional requirement based on the height of the system. Additionally, each mount was limited to 100 square feet.

Mr. Goodwin noted that "B: Height" should state 15 feet rather than 20 feet as a maximum height. In addition, last month the Commission discussed fencing. Mr. Goodwin explained that fencing was required as per Section 10-5-18 of City Code.

C. Driggs suggested they discuss fencing height. Mr. Goodwin said City Code did not allow fences higher than six feet, but they should be at least four feet.

C. Driggs said he was interested in discussing the equipment associated with ground mounted solar systems. Specifically, he wanted to discuss the potentially negative impacts it produced, such as a humming noise. C. Thomas said the equipment included a meter that was installed on the side of a house. It was noted that noise was not a significant concern; rather, the size of the panels was the biggest issue.

C. Thomas asked whether or not the City allowed full-sized satellite dishes, which were about the same size as solar panels. Mr. Goodwin said in his seven years with the City, he had never seen an application for a full-sized satellite dish. However, he would have to review City Code in order to provide a definitive answer on the matter.

C. Driggs said if the Commission felt they could not mitigate factors such as height, location and setbacks, they could always consider abolishing solar panels altogether.

C. Clement asked if the Commission's proposed changes to City Code would mitigate Mr. Chandler's concerns. Mr. Chandler said probably not; he made mention of some solar panels that were installed just off of the boundary line of an adjoining property. He said at some point if the panels were barely tilted, they would cross the boundary line in question. C. Clement reviewed the Commission's proposed language, as noted above.

Mr. Goodwin clarified the setbacks were not measured from the mount, but from the edge of the panel. C. Clement said in this case, the setback would actually be 25 feet with a height of 15 feet. Mr. Goodwin said there was a base that needed to be calculated into the measurements as well. Mr. Chandler commented that the solar panels on the property adjacent to his property did not meet these requirements. He further remarked that the Smiths, the neighboring property owner, was in the process of doing some landscaping wherein trees would be planted that would ideally grow tall enough to obscure the view of the solar panels.

C. Driggs asked about the distance from structures. C. Thomas stated the telecom section was relevant when determining distance, because it addressed screening methods for maintaining a natural-looking landscaping.

Mr. Goodwin suggested another consideration that ground mounted solar panels be listed as a conditional use in some zones. C. Clement commented there were several big lots in certain parts of town. Mr. Goodwin continued that if renewable energy systems were listed as a conditional use, the conditions for approval would be subject to the location on the property. C. Thomas commented that telecom structures also required a conditional use permit. He suggested incorporating language from Section 10-5-28 into the Section pertinent to renewable energy systems. There was further deliberation on the matter.

C. Anderson noted that conditional use permits were reviewed on a case-by-case basis. The Commission discussed an appropriate motion to make on this item. C. Driggs asked members of the Commission who was willing to craft language on this topic. C. Clement agreed to take on the assignment.

MOTION: C. Clement – to table the proposed changes to the City Code Title 10, Chapter 5, Section 38, Relating to Ground Mounted Renewable Energy Systems until the next Planning Commission meeting. Seconded by C. Spear.

Yes - C. Anderson
C. Clement
C. Driggs
C. Spear

6. Review/Recommendation on Amendments to the City Code Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf

C. Driggs stated that last month the Commission recommended to the Council that artificial turf be prohibited throughout Cedar Hills, unless it was installed in backyards. However, the Council did not accept this recommendation and asked the Commission to craft an ordinance stating this would be a permissible activity under specific circumstances. Other municipalities had considered and adopted an ordinance allowing artificial turf, namely Ogden City. Included in the staff report were a copy of Ogden City's Code, Ogden City Staff's review on the issue, and a list of artificial turf requirements and guidelines that was drafted by C. Driggs. C. Driggs stated that in developing the list, he reviewed City Codes for five to seven other municipalities throughout the western United States. The list was reviewed and discussed as follows:

Artificial Turf Requirements and Guidelines

Definitions: Artificial Turf. A man-made substitute for organic turf, lawn, or sod which effectively simulates the appearance of a well-maintained lawn and meets all of the quality, material and installation standards listed in this Section.

Zones: Artificial turf requirements and guidelines are applicable to the following zones:

- RR-1-20,000 (Rural Residential zone)
- R-1-15,000 (Residential Zone)
- PR 2.2 (Planned Residential Zone)
- PR 3.4 (Planned Residential Zone)
- H-1 (Hillside Development Zone)
- SC-1 (Shopping Center Zone)
- PF (Public Facilities Zone)
- TR-1 (Townsite Residential Zone)

General Requirements: The City reserves the right to require removal/replacement of any area of artificial turf which does not meet the standards set forth by these guidelines. Artificial turf must be professionally installed by a licensed representative of the manufacturer and covered by a manufacturer's warranty of at least seven years. The installation contractor must be licensed, bonded and insured. Any request for installation of artificial turf to the front yard must include a minimum of a one square foot boxed sample (including infill) of the exact finished turf product, along with the manufacturer's product specifications. Allowable tufted face weight (Pile weight) range is between 30 ounces to 78 ounces per square yard. The maximum width of the stitch gage is 3/4 inch. A minimum of three inches of compacted aggregate material shall be installed under the artificial turf surface (sub-base materials). Artificial turf must be installed in such a way as to appear seamless and uniform. All seams must be glued. Only natural colors are acceptable, to remain unchanged from the natural green lawn appearance, and subject to approval by the City. The length of the artificial turf shall be minimum of 1-1/2 inches, not to exceed 2 1/4 inches. Only turf requiring infill installation will be allowed. Infill material installation shall be according to turf manufacturer specifications or based upon standard industry guidelines. Minimum infill installation shall be two pounds per square foot. Artificial turf must be maintained in like-new condition, color, and uniformity with no tears or seams visible. Any fading or deterioration or wear patterns and incidental damage of the product will necessitate replacement. Artificial turf shall be maintained in an attractive and clean condition and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear. Artificial

turf may not encompass more than 25% of the front yard, and will utilize a header (border). Replacement of the artificial turf must be pre-approved by the City to ensure like type, color and quality of the replacement product. Artificial turf (putting greens) may be permitted in the rear yard and not permitted in the front or side yard. Artificial turf may not exceed 50% of the total landscape area, cannot be of carpet material and may be no closer than four feet to property line. A sample of the product must be submitted to the City along with an Application for Approval. All artificial turf must be maintained in “like new” condition and must be replaced upon fading or deterioration, as determined by the City within one year of said determination.

Aesthetics: The quality and appearance of artificial turf products on the market vary widely, short-cropped “Astro-turf”, slick, or flat blades with shiny surfaces are prohibited. Materials with a more realistic turf color and texture are permitted.

Color: Blades shall be a minimum of three colors: two green (field green/olive green) blades and a straw colored “thatch” blade, to match the natural variation in living turf. Single colored, monochromatic blade materials are not acceptable.

Texture: Blades shall be designed to mimic a natural blade appearance with a three-dimensional ridge or spine cross-section and uneven tips on each individual blade, which also increases resiliency and durability. Flat, two-dimensional blades with squared off tops are not acceptable.

Blade Length: Blade length shall be a minimum of 1¾ inches in height, held vertical with granulated sand (or other non-rubber materials as recommended by the manufacturer) infill material graded specifically for “thatch” style artificial turf. Maximum shall not to exceed 2 1/4 inches. *(Note there are environmental and public health concerns with the use of crumb rubber. Crumb rubber is recycled rubber produced from automotive and truck scrap tires. During the recycling process, steel and tire cord (fluff) are removed, leaving tire rubber with a granular consistency. Crumb rubber use is prohibited.)*

Weight: A minimum face weight of 60 ounces per square yard of unfilled artificial turf is required.

Drain Rate: Artificial turf must permit a drain rate of at least 30 inches per hour.

Flammability: Artificial turf must pass the “pill burn test” for flammability as defined by National Bureau of Standards, Government Publishing Office NBSIR 78-1436 “Flammability Testing of Carpet”.

Slope Restrictions: The installation of artificial turf on slopes greater than 6.6% shall be prohibited.

Backing Material: Permeable backing shall allow for infiltration of surface water into the base below. Many hole-punched backing materials have opening spaced 12 inches on center, which allow for the sufficient flow of water through the material when rinsing off pet urine. Rubber infill made from old tires is not acceptable for use as backing material for artificial turf. The artificial turf shall be installed over three inches of a compacted aggregate base to provide adequate drainage

Compaction: A plate compactor is essential to obtaining the proper 90% compaction and establishing a firm stable base for the artificial turf. If not compacted, the materials will continue to

shift and compress in time, causing ruts in the turf and developing higher or lower areas that eventually will cause buckles and wrinkles in the surface.

Melting: Sunlight reflecting off west or south facing windows can create a “magnifying glass effect” on the adjacent turf. This concentrated, reflected sunlight can act very much like a laser and melt artificial turf. A coating on the outside adjacent windows can prevent this effect.

Surface temperature: Artificial grass can get hot to the touch during midday direct sun, resulting in surface temperatures that are too hot to walk on with bare feet and increasing the ambient temperature. This heating effect can be somewhat reduced by hosing off the artificial turf in the morning.

Pet Smell: Odors from pet urine will build up if the backing material is not sufficiently permeable allow thorough rinsing. Backing material should provide maximum drainage with perforations throughout. Hole-punched perforations are not recommended.

Maintenance: Homeowners will need to lightly rinse down their artificial lawns once per week to clean off accumulating dust and dirt. Turf used by outdoor pets or children, or surrounded with ample trees and shrubs, will require more frequent cleaning. Several manufacturers recommend a more thorough artificial grass cleaning, performed by professionals on a monthly basis, to help keep the artificial lawn green, clean and inviting. Large turf areas should be broomed with a power broom two to three times a year. With pets, once any solid waste has been removed, it is then necessary to spray down the area in which any pet waste was located. The area may then need to be sanitized and deodorized.

Trees Around or Near the Turf: Tree and shrub roots will grow under the turf and may need to be trimmed to avoid penetrating the surface of the turf. Artificial turf should not be installed under the canopy of existing trees to protect their root zones from compaction.

Prohibited use: The use of indoor or outdoor plastic or nylon carpeting or other materials or combinations of materials as a replacement for artificial turf or natural turf shall be prohibited.

HOA Covenants: Home Owner Associations shall be permitted to prohibit the use of artificial turf, but must follow city requirements and guidelines in this section if permitted.

Lead free: Artificial turf and associated backfill shall be lead free.

Warranty: A minimum eight (8) year manufacturer’s warranty is required for an installation.

Landscape Plan: A landscape plan shall be submitted for approval by the City that meets the requirements set forth in Section 6-4-4 Landscape Requirements.

In response to a comment from Mr. Goodwin, C. Driggs said he didn’t know if staff wanted different requirements for different zones. For this reason, he listed all of the zones where the proposed ordinance would apply. Mr. Goodwin said he did not want artificial turf to be allowed in the commercial zone.

Mr. Goodwin pointed out several terms that needed to be modified to more closely mimic the style by which City Code was written. C. Driggs concurred with his remarks. C. Spear

remarked that regarding pet odors, it should state “Backing material ~~should~~shall provide maximum drainage...”

C. Driggs said they may need to come up with an entire code outlining artificial turf requirements, which he did not expect to take place at this meeting. Mr. Goodwin said he would be happy to draft something up to be reviewed at a future date.

There was subsequent discussion regarding concerns the Commission had with artificial turf. C. Driggs said as years went by, they needed to determine a way to mitigate quality of the material’s appearance. Furthermore, it would be difficult to determine when artificial turf needed to be replaced, and the consequences for non-compliance. Mr. Goodwin said typically violations to Code were classified as Class B Misdemeanors. C. Spear discussed fines associated with Code violations and actions the City could take if maintenance on artificial turf was not properly addressed. She wondered if the artificial turf could be removed by City personnel, and Mr. Goodwin did not believe this would be a viable option.

C. Anderson remarked that he liked the language written within Ogden City’s Code, which he then read aloud. Mr. Goodwin expressed that Code enforcement was going to be difficult. There was continued deliberation regarding previously stated issues, including a review of the different types of artificial turf presently on the market. C. Driggs suggested a texture definition be included within the Code. C. Anderson said the blade length should also be distinguished. Mr. Goodwin said as per other cities’ codes, an inch and a half was a standard minimum, up to two and a quarter inches. In response to a question from C. Thomas, Mr. Goodwin briefly reviewed the Council’s discussion on this matter.

C. Spear remarked that if someone submitted an application to install artificial turf on their property, it would be helpful for the governing body to have a sample to look at as part of the presentation.

C. Driggs asked the Commission if there was any other language within the aforementioned draft that they felt needed to be removed that had not already been discussed. Mr. Goodwin wanted to revisit the section regarding melting. C. Clement commented that Ogden City did not allow artificial turf in park strips.

C. Spear asked about surface temperature, and Mr. Goodwin identified the language that addressed excessive heat. C. Driggs said different products reached different temperature levels; however, in general artificial turf was hotter than natural grass.

MOTION: C. Spear – to table the proposed changes to the City Code Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf until the November Planning Commission meeting. Seconded by C. Clement.

Yes - C. Anderson
C. Clement
C. Driggs
C. Spear
C. Thomas Motion passes.

7. Review/Recommendation on Walmart Signage

Mr. Goodwin presented the staff report and explained Walmart was in the process of updating their store to fit within the current color and design scheme of their brand. Walmart was proposing to alter their current signage by adding a blue background to the existing sign, as well as add a “Pickup” sign on the northwest corner of the building with an orange badge. Grocery pickup was a new service offered by Walmart and the corresponding sign would be new to the building.

During the April 3, 2007, City Council Meeting, the Walmart site plan was accepted with the provision that, “...signs shall be subject to all provisions of the Cedar Hills sign ordinance. The City Council will make a finding at final site plan approval as to which facades of the building will be determined to be the front.” The proposal altered the current signage on the front as stated above, as well as changed the verbiage of the sign on the south of the structure from “Outdoor Living” to “Lawn & Garden”. An image depicting the new Walmart signage was included in the staff report.

C. Driggs asked if there was already a door for pickup. Mr. Goodwin responded in the negative; however, Walmart was considering adding a second entrance on the northwest corner of the building.

C. Spear said she was not in favor of allowing changes to be made. C. Driggs asked C. Spear to elaborate on her position on the matter. C. Spear explained that if they allowed changes now, it would set precedence for Walmart requesting additional changes later. One concern in particular was that the shade of blue being proposed did not fit within the colonial motif. However, Mr. Goodwin pointed out the blue could be considered to be part of the signage and not the building. C. Thomas said the proposal could move forward with the condition that any brick on the building could not be painted.

In response to a question from C. Anderson, Mr. Goodwin reviewed Code language pertaining to signage guidelines. C. Driggs posed the question of whether or not the City wanted to prohibit a company from displaying their logo. C. Clement commented that he did not know if it was possible to say “no” on this proposal. Mr. Goodwin said he felt the signage request was minimal, especially for Walmart. C. Driggs said he did not mind the overall appearance of the sign; however, as a Commission they needed to decide if the proposal met the guidelines stated in City Code. In response to a question from C. Clement, Mr. Goodwin said visually the new sign was less than 10%. C. Clement commented that square footage was decreasing from its original size. There was subsequent discussion on whether or not the proposal met the original intent of the colonial-style design guidelines for the area.

MOTION: C. Anderson—To recommend to the City Council the changes to the current Walmart signage as proposed. Seconded by C. Thomas.

Yes - C. Anderson
C. Clement
C. Thomas

No - C. Driggs
C. Spear Motion passes.

8. Discussion on Group Homes

Mr. Goodwin reported there was a proposal for a group home in American Fork that had become a heated subject. He explained that staff received numerous inquiries regarding the City's Code as it pertained to group homes, homes for the disabled, or group living arrangements. This discussion was meant to begin drafting a Code that would allow for these types of uses as permitted by the City. South Ogden City Code was included in the staff report to help guide the discussion, which Mr. Goodwin then presented.

C. Clement said it was his understanding that a municipality could not legally zone out group homes. Mr. Goodwin said that was correct, and he provided a historical overview of the legalities associated with group homes in Utah. C. Anderson mentioned there was a distinction under the American Disabilities Act indicating that the prohibition of group homes was considered discrimination, because disabilities were a protected class of individuals. C. Spear stated this was her understanding as well, and mentioned several structural conditions for these types of facilities. She also noted that group homes were required to have routine inspections due to the fact that residents were constantly coming and going. The Commission and staff then reviewed South Ogden City's definitions for "Disabled Persons", "Group Living Arrangements" and "Nursing Home".

C. Clement mentioned that the advice Alpine City received on this issue was that group homes were also protected under the Federal Fair Housing Act. Mr. Goodwin said this was correct. There was further discussion regarding the proposal in American Fork, and Mr. Goodwin advised the Commission to review the court cases that have set precedence on this issue. C. Thomas suggested that HUD guidelines could also provide some direction on the matter as well. There was subsequent legal discussion relevant to this issue. C. Thomas recommended that as a governing body they conduct more research, and said the Civil Liberties Union and Justice Department actively pursued cases in which these types of requirements were not being met.

Lastly, Mr. Goodwin announced that they would be updating the General Plan beginning next year. C. Driggs reminded the Commissioners of their individual assignments as discussed throughout the meeting.

ADJOURNMENT

This meeting was adjourned at 8:36 p.m. on a motion by C. Spear, seconded by C. Clement and unanimously approved.

Approved:
October 24, 2017

/s/ Colleen A. Mulvey, MMC
City Recorder