

# River Heights City

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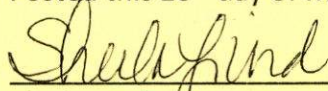
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, May 31, 2022**

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Public Hearing to Discuss and Hear Comments on a Conditional Use Permit Request from Morgan McKeown for a Swimming Pool on His Property at 435 South 970 East
- 7:30 p.m. Adjourn

Posted this 26<sup>th</sup> day of May 2022

  
\_\_\_\_\_  
Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/85955499653?pwd=VzBsdGJZNGF4YkNsNS9ZeVZiQjZ5UT09>

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website ([pmn.utah.gov](http://pmn.utah.gov))

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

# River Heights City

## River Heights City Planning Commission

### Minutes of the Meeting

May 31, 2022

Present: Commission members: Noel Cooley, Chairman  
Heather Lehnig  
Lance Pitcher  
Cindy Schaub  
Troy Wakefield

Councilmember Blake Wright  
Recorder Sheila Lind  
Tech Staff Councilmember Chris Milbank

Others Present: Morgan and Peter McKeown, Manisone Saenpaseuth  
Lampoon

### Motions Made During the Meeting

#### Motion #1

Commissioner Pitcher moved to "approve the minutes of the May 24, 2022, Commission Meeting with a correction, as well as the evenings agenda." Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

#### Motion #2

Commissioner Pitcher moved to "approve the Conditional Use Permit application of Morgan McKeown, of 435 S 970 E, with the following conditions: 1) Provide a 6-foot, non-climbable fence with self-closing gates to enclose the pool, 2) The pool should be completed within 18 months, 3) Cache County building codes would be followed, and 4) Provide a copy of liability insurance coverage for the pool." Commissioner Wakefield seconded the motion with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

### Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on May 31, 2022.

#### Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the May 24, 2022, Planning Commission Meeting were reviewed with a minor change.

Commissioner Pitcher moved to "approve the minutes of the May 24, 2022, Commission Meeting with a correction, as well as the evenings agenda." Commissioner Wakefield seconded the

44 **motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one**  
45 **opposed.**

46 Public Comment on Land Use: There was none.

47 Public Hearing to Discuss and Hear Comments on a Conditional Use Permit Request from  
48 Morgan McKeown for a Swimming Pool on His Property at 435 South 970 E: Commissioner Lehnig  
49 opened the hearing. Manisone Saenpaseuth Lampoon, of 947 East 400 South, expressed her concern  
50 for having a swimming pool above and near her property. Her home is much lower than the  
51 McKeown home. She wanted to know, if the pool caused damage, would the McKeowns cover the  
52 expense.

53 Commissioner Lehnig said she heard from Kathryn and Randy Hadfield, who said they are okay  
54 with the McKeown's pool request.

55 Commissioner Wakefield asked Mr. McKeown to state his intentions. He responded that they  
56 plan to have a pool with an indoor/outdoor cover installed by a licensed contractor. He was willing to  
57 take liability for any damages. They will add the swimming pool to their homeowners' insurance  
58 plan.

59 Commissioner Schaub asked if there were an engineering report on the water table. Mr.  
60 McKeown said his contractors had investigated the water table. Their preliminary report was that the  
61 pool would not become a problem.

62 Commissioner Lehnig suggested he ask the contractor about the possibility of a French drain.  
63 Commissioner Wakefield asked where the French drain would take the drainage.

64 In answer to questions, Mr. McKeown estimated his pool would hold 30,000 gallons. The  
65 deepest part would be 6-7 feet. It would be located on the south side of his home. The enclosure  
66 would be attached to the house. They hadn't finalized what the pool would be made of.

67 Commissioner Schaub asked about a safety fence directly around the pool itself. It was  
68 determined that this requirement was not part of city code. Commissioner Wakefield felt this  
69 request would impede on his rights as a pool owner. He felt it would suffice as long as there was a  
70 fence around the yard enclosing the pool. Commissioner Cooley agreed, there should be a fenced  
71 area to keep neighbors from coming in uninvited.

72 Commissioner Lehnig said the gate should be locked. Mr. McKeown said during the winter,  
73 the pool would be covered by the enclosure, but during summer the pool would be open to the sky.

74 Councilmember Wright had questions about the fence. Mr. McKeown showed how it would  
75 enclose their yard, where the pool would be located.

76 Commissioner Schaub was concerned that a neighbor could get inside the fence.  
77 Commissioner Wakefield pointed out the McKeowns would cover the pool with a vinyl pool covering  
78 when they weren't home. Mr. McKeown agreed.

79 Commissioner Pitcher said his only concern was the neighbor's concern about living lower  
80 than the property with the pool. He suggested a thicker wall on the pool. Mr. McKeown informed  
81 that the enclosure they are going to have requires a thicker wall.

82 Discussion was held on the material the panels of the covering would consist of. Mr.  
83 McKeown said the frame would be aluminum and the panels would be a type of plexiglass.

84 Commissioner Schaub still wanted to see a non-climbable fence directly around the pool. It  
85 was explained to her that there will be two coverings, a vinyl one, and the structure.

Commissioner Lehnig suggested a mitigation plan with his engineer to cover drainage and the size of the pool walls. Commissioner Wakefield felt their jurisdiction, as commissioners, was to consider what was in the city code.

Commissioner Pitcher suggested that Mr. McKeown do his due diligence by taking the neighborhood concerns into consideration and owning the responsibility for liability.

When asked when his pool would be finished, Mr. McKeown said he hoped it would be installed withing 2-3 months.

Councilmember Wright remembered the fence the commission required for the Zollingers pool may have been because they didn't currently have a fenced yard. He felt a self-locking or closing fence made sense. Some of the other suggestions may have been overstepping their bounds as a commission.

Commissioner Cooley felt it would be prudent for Mr. McKeown to have an insurance rider to cover potential damage to a neighbor. Mr. McKeown explained that they already had this lined up.

**Commissioner Pitcher moved to "approve the Conditional Use Permit application of Morgan McKeown, of 435 S 970 E, with the following conditions: 1) Provide a 6-foot, non-climbable fence with self-closing gates to enclose the pool, 2) The pool should be completed within 18 months, 3) Cache County building codes would be followed, and 4) Provide a copy of liability insurance coverage for the pool." Commissioner Wakefield seconded the motion with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.**

Commissioner Lehnig discussed the agenda for the next meeting. There will be hearings for code changes, a rezone request and the Boys and Girls Club Conditional Use Permit application.

The meeting adjourned at 7:20 p.m.

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Sheila Lind, Recorder

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Noel Cooley, Commission Chair

# River Heights City Conditional Use Application

For office use	
Date Received:	<u>5/16/22</u>
Hearing Date:	<u>May 31 2022</u>
Amount Paid:	<u>100.00</u>
Approved _____	Denied _____

## APPLICANT

Name: MORGAN MCKEOWN  
Mailing Address: 435 S 970 E, River Heights UT 84321  
Phone: \_\_\_\_\_ email: \_\_\_\_\_  
Please check one of the following:  owner  buyer  renter  agent  other

## PROJECT INFORMATION

Name: Morgan McKeown  
Address/Location: 435 S 970 E  
Property Tax ID: \_\_\_\_\_ Existing Zone: \_\_\_\_\_

What is the current use of the property? Residence

How many employees will be working at this location including applicant, immediate family, and non-family members? 4-5

How many vehicles will be coming and going daily, weekly, or monthly? 1-3

I agree to abide by the River Heights City Parking Ordinance (10-14). Initial MM

I agree to abide by the River Heights City Sign Ordinance (10-16). Initial MM

Description of Request: Install pool and enclosure. Pool will be 28' x 15', and will be enclosed by a locking fence. Enclosure over pool is 45' x 28.5' and is retractable (allowing open in summer, closed in other seasons), and looks like a green house attached to side of house. Pool will also be covered by standard pool cover when not in use for added safety.

## SUBMITTAL REQUIREMENTS

- Completed and signed application form
- \$100 application fee
- 8 1/2 x 11 copy of plans
- Provide a Fire Protection evaluation from the fire department.

North

