



**Planning Commission Meeting
Thursday, July 30, 2015
City Hall Council Chambers
5249 S. South Pointe Dr. Washington Terrace City
801-393-8681**

1. **ROLL CALL** **6:00 p.m.**

2. **PLEDGE OF ALLEGIANCE**

3. **WELCOME**

4. **RECURRING BUSINESS**
 - 4.1 **MOTION: APPROVAL OF AGENDA**
Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.
 - 4.2 **MOTION: APPROVAL OF MINUTES FOR APRIL 30, 2015**

5. **SPECIAL ORDER**
Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then commission final discussion.
 - 5.1 **PUBLIC HEARING: TO RECEIVE COMMENT ON AMENDING THE LAND USE ORDINANCE RELATING TO POLITICAL SIGNS**

6. **RECURRING BUSINESS**
 - 6.1 **MOTION/ORDINANCE 15-06: MOTION TO RECOMMEND APPROVAL OF ORDINANCE 15-06 "CAMPAIGN SIGN AMENDMENTS"**

 - 6.2 **DISCUSSION: LANDSCAPING REQUIREMENTS FOR PARKSTRIPS**

7. **UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND ZONING ISSUES**

8. **UPCOMING EVENTS**
August 4th: City Council Meeting 6:00 p.m.
August 18th: City Council Meeting 6:00 p.m.
August 27th: Planning Commission Meeting 6:00 p.m.

9. **MOTION: ADJOURN THE MEETING**

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 395-8283

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and faxed to the *Standard Examiner* at least 24 hours prior to the meeting.
Amy Rodriguez, Washington Terrace City Recorder

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City of Washington Terrace

Minutes of a Regular Planning Commission Meeting held on
Thursday, April 30, 2015
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

PLANNING COMMISSION AND STAFF MEMBERS PRESENT

11 Chairman Wallace Reynolds
12 Commissioner Scott Barker -Excused
13 Commissioner Larry Weir
14 Commissioner Dan Johnson
15 Commissioner Scott Larsen – arrived at 6:05p.m.
16 Commissioner Charles Allen
17 Commissioner T.R. Morgan- Excused
18 City Recorder Amy Rodriguez
19 City Building Official Jeff Monroe
20 City Attorney Bill Morris

Others Present

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22
23 Travis Thyfault, Matt Klar, Randy HYTE

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25 **1. ROLL CALL**

6:00 p.m.

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27 **2. PLEDGE OF ALLEGIANCE**

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29 **3. WELCOME**

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31 **4. RECURRING BUSINESS**

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33 **4.1 MOTION: APPROVAL OF AGENDA**

Motion by Commissioner Johnson
Seconded by Commissioner Allen
To approve the agenda
Approved unanimously (4-0)

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39 **4.2 MOTION: APPROVAL OF MINUTES FOR MARCH 26, 2015**

Motion by Commissioner Allen
Seconded by Commissioner Weir
To approve the minutes of March 26, 2015
Approved unanimously (4-0)

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47 **5. RECURRING BUSINESS**

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49 **5.1 MOTION/ORDINANCE 15-03: MOTION TO RECOMMEND APPROVAL**
50 **OF ORDINANCE 15-03 “FALCONRY”**

51 Morris read the purpose of the falconry amendment. He stated that the City does not currently
52 allow falconry within City limits. He stated that the Planning Commission tabled the item at the
53 last meeting. Morris stated that after a meeting with the Division of Wildlife Resources, City
54 staff, Mr. Thyfault, Mrs. Brown, and Commissioners Allen and Reynold, he incorporated by
55 reference the state code on falconry based on Commissioner Allen’s recommendation. Several
56 other changes were made to the proposed ordinance.

57
58 Commissioner Allen stated that he has some concerns with the new proposed ordinance. He
59 listed several concerns, with one recommendation being to add an authority paragraph reading:
60 Division of Wildlife Resources, Utah Department of Natural Resources, and Wildlife Board
61 authorizes the practice of falconry in the State of Utah, as provided in Utah Code 657-20, title
62 23, chapter 17, section 7 and Federal regulations.

63 Chairman Reynolds stated that the codes are already referenced as adopted in the ordinance and
64 would be repetitious to include them again. Morris also stated that the the complete rule is
65 incorporated and does not need to be but in again. He stated that he will put the reference R657-
66 20 into the administrative section.

67 Commissioner Allen recommended that two definitions be added into the animal control
68 ordinance: 1. Falcon and 2. Falconer. The definitions were provided by Commissioner Allen to
69 Morris to be added to the ordinance.

70 Commissioner Allen stated that he would like to add language to the conditional use permit
71 requirements that the applicant must possess a valid registration (COR) as issued by the Wildlife
72 Division of Resources before they can apply for the conditional use permit. Hyte stated that the
73 housing would have to be built and inspected before they get a COR. He does not want an
74 applicant to go through the process if the City is not going to issue a permit. Morris stated that
75 the City cannot go against state law by requiring them to have a City permit first. Monroe stated
76 that the applicant can get the authorization of building compliance before they begin their
77 building.

78 Commissioner Allen wanted to know why an animal license fee is charged. Morris stated that
79 there are administrative costs and the falcons will be treated as animals in the City.,

80 Commissioner Larsen agreed that they should not have to pay a fee. The Commission agreed to
81 take the fee out of the ordinance. Morris will remove the fee stipulation.

82 Commissioner Allen stated that he would like to add to paragraph 5 because he feels that it is
83 important that falconers must report any dead or injured raptures to the City. Hyte stated that a
84 bird has to be reported to the Wildlife Division within 5 days of losing a bird. Morris noted that
85 dog bites are reported to animal control and feels that if a bird injures someone, it should also be
86 reported. Hyte stated that if a falcon injures someone, a police report is available. Monroe stated
87 that if it is reported to South Ogden Animal Control, it will most likely be referred to eh Division
88 of Wildlife Resources and the City will be charged for their management of the situation. The
89 Planning Commission would like to strike paragraph 5.

90 Commissioner Allen stated that public interaction is in accordance with the rule, but stipulated
91 that the falconer must get approval from the property owner if it is on private property.

92
93 The Commission agreed to make a change in section 6 stating that “All falconers shall be in
94 compliance with municipal code and state code and any relevant law and regulations.”

95 Commissioner Allen stated that the number of raptures allowed should be determined by the
96 falconer class code. Morris stated that the City restricted the rule to one bird. Klar stated that he
97 is concerned with the restriction because it precludes rehab and only one family member to be a
98 falconer and does not allow for educational permits. Chairman Reynolds asked if there is a
99 requirement that you can only have so many birds in a mew.

100 Commissioner Larsen asked why we are limiting the number of birds if the State already has
101 limitations. Morris stated that small lot sizes are the rationalization of the limit of one bird.

102 Morris stated that the City can be more restricted than state law in the requirements.

103 Commissioner Allen stated that he does not want to limit the birds to just one. Chairman
104 Reynolds noted that we are dealing with animals throughout the whole city, and the City cannot
105 say that a falconer can have more animals but others can only have 2 cats.

106 Morris stated that he can change it to two birds, but recommends not going more than two.

107 Commissioner Larsen stated that it should be equivalent to what everybody else has.

108 Commissioner Allen did not agree, stating that he would like our ordinance to follow state code
109 because falconers have a special licensure to hold a certain series of animals. Morris reiterated
110 that the Attorney General stated that the City can be stricter in cases of land use.

111 Morris call for a vote.

112 **Motion by Commissioner Larsen**

113 **Seconded by Commissioner Weir to**

114 **allow animals to be housed by numbers given by state.**

115 **Approved unanimously (5-0)**

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117 Monroe stated that there are already complaints based on a land use perspective, and noted that
118 the Commission has just voted to allow up to possibly 15 birds. He stated the he understands the
119 state ordinance, but he deals with land use on a daily basis as the Enforcement Officer. He
120 questioned how much property does an individual have to have not to be a nuisance to neighbors.
121 Commissioner Larsen recommended that the mews be limited to either a weathering bar or a
122 mew. Thyfault noted that a mew is essentially a shed and the City allows numerous sheds in one
123 unit. Commissioner Larsen and Commissioner Allen agreed that they should be allowed one
124 feeding pen, one mew, and one weathering area.

125

126 Commissioner Allen recommended that the setbacks in rear yard should be 10 feet away from
127 property lines in R8 and R10 zones and five feet from property lines in R6.

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129 **Motion by Commissioner Johnson,**

130 **Second by Commissioner Weir**

131 **To leave the setback at one foot from property lines.**

132 **Approved (4-1)**

133 **Commissioners Reynolds, Johnson, Weir, Larsen –Aye**

134 **Commissioner Allen- Nay**

135

136 Commissioner Allen stated that he does not like that the falcons can fly in the city parks. Morris
137 stated that we cannot regulate working and hunting of the birds per DWR and that we can only
138 regulate land use.

139 Commissioner Allen stated that he would like the building inspector to make inspections as part
140 of the conditional use permit and make sure setbacks are approved. He also would like the
141 falconers to provide permit or state documents when requested.

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143 Thyfault said that he has spoken with his neighbors and resolved the problems.
144 Monroe stated that Council has the final approval on this ordinance and will be reviewing it at
145 next week's Council meeting.

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147 **Motion by Commissioner Larsen**
148 **Seconded by Commissioner Weir**
149 **To recommend approval of ordinance 15-03**
150 **“Falconry” to the City Council with the recommended changes**
151 **Approved 5-0**

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153 **6. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**
154 **ZONING ISSUES**

155 There were no current development projects discussed.

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157 **7. UPCOMING EVENTS**

158 May 5th : City Council Meeting 6:00 p.m.
159 May 19th: City Council Meeting 6:00 p.m.
160 May 28th: Planning Commission Meeting 6:00 p.m.

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162 **8. MOTION: ADJOURN THE MEETING**

163 **Motion by Council Member Johnson**
164 **Seconded by Council Member Larsen**
165 **To adjourn the meeting.**
166 **Approved unanimously**
167 **Time: 7: 04 P.M.**

168
169 _____
170 **Date approved**

_____ **City Recorder**



Planning Commission Staff Report

Building & Planning

Author: Planning Dept.
Subject: AMENDING THE CITY MUNICIPAL CODE CHAPTER 17.56
SIGNS, SECTION 17.56.165 CAMPAIGN SIGNS
Date: JULY 30, 1015
Type of Item: Action/Discussion

Summary Recommendations: Motion to recommend a change to Section 17.56.165 to amend the Sign Ordinance relating to Campaign Signs. Campaign signs shall be erected no earlier than thirty (30) calendar days prior to any voting period regardless of the format on any given election.

Description:

A. Background: This recommendation comes before the Planning Commission from the direction of the City Council.

With changes to the voting process, allowing registered voters to vote by mail and to submit a ballot at a earlier time or date, it is being proposed that the language in the Sign Ordinance be changed to allow a Candidate to place signs 30 days prior to the mail-in voting, which takes place earlier than currently stated in the ordinance, based on fixed voting dates.

B. Department Review: Staff recommends approval of the amendment the change will allow for flexibility in the future to permit Candidates to erect signs regardless of the start of the voting period.

ALTERNATIVES:

- A. APPROVE THE REQUEST:** Planning Commission should approve amending the City Municipal Code Chapter 17.56 Signs, Section 17.56.165 Campaign Signs and forward the recommendation to City Council.
- B. DENY THE REQUEST:** Planning Commission can deny the recommendation.
- C. CONTINUE THE ITEM:** Planning Commission may table the request to a later meeting, subject to suggesting additional information or requiring changes to the ordinance.

Significant Impacts: no significant impact if amended.

**WASHINGTON TERRACE CITY
ORDINANCE 15-06**

CAMPAIGN SIGN AMENDMENTS

AN ORDINANCE AMENDING CHAPTER 17.56 OF THE MUNICIPAL CODE RELATING TO CAMPAIGN SIGNS; ADOPTING TIME, PLACE, AND MANNER RESTRICTIONS; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, the City Council desires to adopt time, place, and manner restrictions for certain signs;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on July 30, 2015, to take public comment on this Ordinance, and subsequently gave its recommendation to deny this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: Repealer. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Section 17.56.165 entitled “Campaign signs” is hereby amended to read as follows:

17.56.165. Campaign signs.

Campaign signs are subject to time, place, and manner restrictions and shall not be erected to detrimentally interfere with traffic, public health, safety, or welfare. Campaign signs shall be erected no earlier than thirty (30) calendar days prior to any voting period regardless of the format on any given election and shall be removed within five (5) calendar days after any said election. Nothing in this section shall be construed to authorize the erection of any campaign sign on public



Planning Commission Staff Report

Author: Planning Dept
Subject: Discussion the placement of trees in the Park Strips.
Date: July 30, 2015
Type of Item: Discussion

Summary Recommendations:

To discuss the landscaping and the placement of trees within the Park Strip, as addressed in Chapter and section, 17.44.200 Landscape regulations.

Description:

A. Topic:

Purpose for the discussion is to receive input from the Planning Commission relating to trees within the park strips the review is to see if zoning and codes need to be improved upon and/or changes needed.

Background:

The reason for this discussion is the impact and that the trees in the park strip have on city infrastructure (Sidewalk, curb and gutters) also low hanging limbs restrict walkways such as sidewalks for walkers and over streets the limbs causes possible damage to high profile vehicles.

B. Discussion:

The following are some talking points that can be discussed;

- 1, trees within the park strips
2. Codes; Nuisances
3. Good neighbors, residential areas,
4. The impact to City infrastructure.

C. Department Review and Analysis:

Staff positions are that trees in park strips become a nuisance and in time cause damage to city property which becomes a cost and a budget issue, trees in park strips also are a traffic concern for the line of sight for egress and ingress. Staff feels that trees should not be allowed in Residential Park Strips.

The current status of trees in Park Strips would be non-conforming/ or grand-fathered in and would be allowed to stay, but staff feels that any tree that becomes a hazard should be removed if not allowed.(this could also be applied to a tree within the yard, additional concern discussion only.)

Alternatives:

No Action discussion only

17.44.200 Landscaping Regulations

17.44.200. Landscaping regulations.

- A. Title. The name of this section shall be known and cited as “Landscaping Regulations” for the city of Washington Terrace (known as "city").
- B. Purpose and Goals. The purpose shall be to provide landscaping and buffering guidelines for developers and builders to follow in the design, installation, and maintenance of proposed residential, commercial, and industrial development projects. The goal shall be to promote quality landscaping design throughout the city while integrating various elements of site design. Landscaping regulations shall preserve and enhance the particular identity of the site by creating a pleasing site character and promote and encourage water conservation through landscaping design and irrigation systems.
- C. Landscaping Defined. "Landscaping" shall mean some combination of planting materials such as trees, shrubs, ground covers, perennials, annuals, Xeriscape principles and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, benches, and street furniture.
- D. Landscaping. All landscaping shall be installed and maintained in conformance with a landscape plan approved by the planning commission for subdivisions, PRUDs, commercial/industrial businesses and commercial/industrial zones.
 - 1. Landscape Plan: Two (2) copies, eleven by seventeen (11 x 17), of a detailed landscaping plan and development plan shall be submitted to the planning commission at the time of site plan review. Fifteen percent (15%) of a business/commercial area shall be maintained in landscape open space;
 - 2. Tree Stand; Natural Vegetation: Existing significant tree stands and natural vegetation shall be integrated into the site landscape plan to the maximum extent possible. The minimum size for landscaping is five (5) gallon shrubs, two inch (2") width caliper trees, and five (5) to six foot (6') tall evergreens;
 - 3. Preparation by a Licensed Architect. The city requires that landscaping plans be designed by a licensed landscape architect.
 - 4. Sprinkling or Irrigation System. Plantings shall be serviced by an acceptable underground sprinkling or irrigation system.
 - 5. Noise and Glare. Landscaping shall minimize the nuisance of noise and glare;
 - 6. Certain Species Prohibited. Species that are a public nuisance or that cause excessive litter shall be avoided.
- E. Scope Of Requirements:
 - 1. Residential landscaping includes all R zones.
 - a. New Homes: All landscaping for new construction shall be installed and maintained for the park strip, front yard, and side yard within one (1) year of taking occupancy of any lot or parcel on which a home has been constructed. Rear yard landscaping shall be installed within 2 years of occupancy.
 - b. Existing Homes: All landscaping for existing homes shall be installed and maintained on any lot or parcel on which a home exists. Homes that have a transfer of title or ownership will have one (1) year to landscape the park

strip, front yard, side yard, and rear yard. Park Strip: Park strips shall be maintained and landscaped by the abutting property owner. Trees within a park strip must comply with the city ordinances and a city zoning compliance permit shall be completed before installing any trees in the park strips. (See approved park strip tree list below.) All existing trees in the park strips shall be nonconforming. Property owners shall get approval from the building official or public works director to have concrete or other decorative material installed on park strips. Low growing conforming type vegetation/grass shall be allowed to be planted in park strip areas.

- c. Approved Park Strip Trees:
 - A. Crabapple/flowering
 - B. Plum-nonbearing varieties only
 - C. Goldenrain tree.
 - D. Hawthorn: Lavalley, Carriere, Washington, or Paul Sarlet
 - E. Imperial honey locust.
 - F. Japanese lilac tree.
 - G. Maple: hedge, amur, tartartian, Rocky Mountain, or truncatum.
 - H. May Day tree.
 - I. Red bud, eastern tree.
- d. Alternative Landscape Methods: Any alternative method of landscaping, such as Xeriscape, shall receive approval by the city building official. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans for review.
- e. Compliance: All landscaping shall also comply with all other municipal codes that apply, including, but not limited to, this chapter.
- f. Residential Compliance: Residential landscaping shall also comply with subsections D4, D5 and D6 of this section.