



**Planning Commission Meeting
Thursday, October 29, 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 JULY 30, 2015**
5. **NEW BUSINESS**
 - 5.1 **MOTION/ORDINANCE 15-08: MOTION TO RECOMMEND APPROVAL OF ORDINANCE 15-08 TO AMEND SECTION 17.48.010 “ SWIMMING POOL AMENDMENTS”**
 - 5.2 **DISCUSSION: LANDSCAPING REQUIREMENTS FOR PARKSTRIPS IN RESIDENTIAL AREAS**
 - 5.3 **DISCUSSION: OPEN SPACE INFILL PROPERTY**
6. **UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND ZONING ISSUES**
7. **UPCOMING EVENTS**
November 17th: City Council Meeting 6:00 p.m.
November 19th: Planning Commission Meeting 6:00 p.m.
8. **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

City of Washington Terrace

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

PLANNING COMMISSION AND STAFF MEMBERS PRESENT

Vice- Chair Scott Larsen
Chairman Wallace Reynolds- Excused
Commissioner Scott Barker -Excused
Commissioner Larry Weir
Commissioner Dan Johnson
Commissioner T.R. Morgan
Commissioner Charles Allen
City Recorder Amy Rodriguez
City Building Official Jeff Monroe
City Attorney Bill Morris

Others Present

None

1. ROLL CALL

6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

Motion by Commissioner Allen
Seconded by Commissioner Morgan
To approve the agenda
Approved unanimously (5-0)

4.2 MOTION: APPROVAL OF MINUTES FOR APRIL 30, 2015

Motion by Commissioner Allen
Seconded by Commissioner Weir
to approve the minutes of April 30, 2015
Approved unanimously (5-0)

5. SPECIAL ORDER

5.1 PUBLIC HEARING: TO RECEIVE COMMENT ON AMENDING THE LAND USE ORDINANCE RELATING TO POLITICAL SIGNS

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Vice Chair Larsen opened the public hearing at 6:04 p.m.

There were no citizen comments.

Vice Chair Larsen closed the public hearing at 6:05 p.m.

6. RECURRING BUSINESS

6.1 MOTION/ORDINANCE 15-06: MOTION TO RECOMMEND APPROVAL OF ORDINANCE 15-06 “CAMPAIGN SIGN AMENDMENTS”

Commissioner Allen pointed out an error in the Preamble of the ordinance. The error will be corrected before the ordinance is codified.

Commissioner Morgan stated that he has an issue with the ordinance in general because it violates the constitution of free speech. He stated that the City is differentiating different kinds of speech by regulating political signs. Monroe stated that the City is more restrictive than state law, but noted that the City will not dispute any claims if signs are posted. Commissioner Morgan suggested that a work session be held with City Council and an attorney for a better understanding of the intent of Council. Monroe stated that the Council wants to restrict the time frame to 30 days before any voting period regardless of format of voting. Commissioner Morgan stated that the issue was voted down last year by the Commission and City Council Members Shupe, Brown, and Jensen voted to pass the ordinance regulating the timeframe for posting of political signs. Commissioner Morgan stated that he would like the minutes to reflect as part of the record that he appreciates Council Members Johnson and Monsen for upholding the constitution and protecting free speech and supporting the citizen’s rights for freedom of expression and that he has an issue with Council Members Brown, Jensen, and Shupe for denying the citizens’ that right. Monroe reiterated that the Council will not dispute anyone from placing signs outside of the timeframe, and that the intent was to have an official start date for placing political signs around the City.

Commissioner Allen clarified that he wants there to be at least 15 days before the mailer (ballot) is sent out to allow for adequate time for candidates to erect their signs. Monroe stated that the proposed ordinance is asking for 30 days before any voting period. Commissioner Allen asked that the 45 day request be struck from the motion, noting that 30 days is fine.

Vice Chair Larsen stated that he feels this is a mute ordinance because the signage issue is covered by state law.

**Motion by Commissioner Allen to
Change the 30 calendar day stipulation to 45 calendar days and
Add the following:**

- “ (1) Wanton destruction and stealing of campaign signs shall constitute a class B misdemeanor and shall be punishable in accordance with other personal property statutes.
(2) It is the City’s policy to regulate political and campaign signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and the equivalent protection in the state constitution by enacting regulations which do not restrict speech or its content, viewpoint, or message; and do not favor one form of speech over another”**

Motion died due to lack of second

95 **Motion by Commissioner Morgan**
96 **To continue item and request a meeting**
97 **Seconded by Commissioner Weir**
98 **Approved 4-1**
99 **Commissioner Morgan- Aye**
100 **Commissioner Larsen- Aye**
101 **Commissioner Weir- Aye**
102 **Commissioner Johnson- Aye**
103 **Commissioner Allen- Nay**
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106 **6.2 DISCUSSION: LANDSCAPING REQUIREMENTS FOR PARKSTRIPS**

107 Monroe stated that he has noticed many trees in the park strips that are causing issues. He noted
108 that many of the types of trees have stickers that are popping up and impacting other neighbors.
109 He stated that some trees in the park strips have issues with root systems as well as overhang. He
110 stated that the City has rights to the park strips. He asked the Planning Commission if they feel
111 that the City should eliminate tree planting in the park strips. He stated that although that some
112 are nice canopies, there are issues with snow removal, sidewalks, and gutters. He stated that
113 existing trees would be grandfathered in, and a new ordinance would limit new development
114 from planting. Commissioner Morgan stated that the City has seen the problems that trees cause
115 and he feels that it would be appropriate to not allow park strip trees. Vice chair Larsen,
116 Commissioner Allen, and Commissioner Morgan agreed with staff to ban trees in the park strips.
117 Monroe stated that he will draft an ordinance for the next meeting.
118 Commissioner Weir stated he would like to include no pfitzer shrubs in that area because they
119 grow straight up and become a nuisance with sight restrictions.
120 Commissioner Allen recommended raising the height of the trees that overhang the streets to a
121 higher mark.
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123 **7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**
124 **ZONING ISSUES**

125 Monroe stated that Golden west Credit Union has dropped off their plans and they should be
126 started with their renovations starting this week.
127 Monroe stated that the hospital has been modifying their plans and have not started demolition as
128 of yet.
129 Monroe stated that he would like to have discussions concerning infill lots. He stated that there
130 are areas that have pine needles and leaves building up and he is addressing those areas. Monroe
131 stated that the goal is to have single family homes in the community as opposed to many
132 apartment rentals; however, there may be something to be done for vacant infill lands.
133 Commissioner Larsen stated that he would like to see a map of the infill properties.
134 Monroe stated that there were some added costs to the Adams Ave. Project of concern, but the
135 project is almost completed.
136 Monroe stated that 300 West roadwork should be repaired shortly. He stated that the work was
137 stalled for about a month.
138 Commissioner Weir stated that the Venstra house is looking nice after years of trying to get it
139 cleaned up.
140 Commissioner Allen stated that he would like to see an ordinance concerning drones. He stated
141 that it could be dangerous to hospital helicopter operations. Commissioner Morgan suggested

142 that there may be a way to amend the nuisance ordinance. Monroe stated that he saw a report
143 that listed drones by sizes and classifications and restrictions were set based on those
144 classifications. Commissioner Morgan stated that it may be covered in FAA regulations.

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146 **8. UPCOMING EVENTS**

147 August 4th: City Council Meeting 6:00 p.m.

148 August 18th: City Council Meeting 6:00 p.m.

149 August 27th: Planning Commission Meeting 6:00 p.m.

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151 **9. MOTION: ADJOURN THE MEETING**

152 **Motion by Commissioner Weir**

153 **Seconded by Commissioner Morgan**

154 **To adjourn the meeting**

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

156 **Time: 6:59 p.m.**

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Date approved

City Recorder



Planning Commission Staff Report

Building & Planning

Author: Planning Department

Subject: Amending Chapter 17.48.010 Family Swimming Pools,
Changing Minimum setback requirements from property
lines

Date: October 29, 2015

Item: Discussion/Action and Recommendation

Summary Recommendations:

By motion, approve the Amendment to Ordinance Chapter 17.48.010 Family Swimming Pools which Changes the minimum setback requirements from property lines. (See Description)

Background:

This change is being considered for adoption as a result of complying with the **ICC 2012 ISPSC (international swimming pool and spa code)**, Chapter 3. Section 305 Barrier Requirements. The ISPSC identifies and establishes a barrier or clear zone distance around the pool from the waters edge. The life & safety of a barrier or fence needs to be constructed to prevent unwanted or unaware access (To keep people OUT). After review of the ISPSC code and reviewing the impact of this change, staff feels that by amending Chapter 17.48.010, prevents any conflict with the Pool industry who comply with and design to the ISPSC.

Description:

Amendment: the highlighted areas are the changes/new amendments and the strike through are the old ordinance that are being deleted.

17.48.010 Family Swimming Pools

A family swimming pool shall be permitted in the rear of a dwelling as an accessory use provided the following requirements are met:

- A. A swimming pool may cover the area within a rear yard and not located within an easement unless the construction of that pool would require the need to vary from existing ordinances. A variance for the pool to be allowed to be constructed into the easement would need to be obtained.

B. The pool or spa may not be closer than five (5) feet to the property line (measured at waters edge).

C. Minimum setback requirements from property lines are as follows:

(a) Front Yard: No pool allowed within a front yard

(b) Rear Yard: Five feet (5') Min.

(c) Side Yard: Five feet (5') Min. (within the fence line of the property)

(d) Easement: setbacks shall comply with all easement regulations

~~The location of such family swimming pool or accessory machinery shall be not less than thirty five feet (35') from any dwelling on an adjoining lot and not less than ten feet (10') from any interior property line. On corner lots, the distance from such pool to the property line facing on a street shall be not less than the required side yard for an accessory building in that zone.~~

D. An outside family swimming pool shall be completely enclosed by a substantial fence not less than five feet (5') in height, and any lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises.

C. **Staff Recommendation:** recommends approval

Alternatives:

A. Approve the Request: The Planning Commission should make its recommendation to approve the amended ordinance Chapter 17.48.010 Family Swimming Pools, to reduce the setback to five (5) feet to comply with the **international swimming pool and spa code.**

**WASHINGTON TERRACE CITY
ORDINANCE 15-08**

SWIMMING POOLS AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, AMENDING SECTION 17.48.010 RELATED TO
SWIMMING POOLS; 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, the City desires to comply with the ICC 2012 ISPC (International Swimming Pool and Spa Code), Chapter 3, Section 305 Barrier Requirements which identifies and establishes a barrier or clear zone distance around the pool from the water’s edge;

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 17.48.010 is hereby amended to read as follows:

17.48.010 Family Swimming Pools

A family swimming pool shall be permitted in the rear of a dwelling as an accessory use provided the following requirements are met:

~~A. The location of such family swimming pool or accessory machinery shall be not less than thirty five feet (35') from any dwelling on an adjoining lot and not less than ten feet (10') from any interior property line. On corner lots, the distance from such pool to the property line facing on a street shall be not less than the required side yard for an accessory building in that zone.~~

A swimming pool may cover the area within a rear yard and not located within an easement unless the construction of that pool would require the need to vary from existing ordinance. A variance for the pool to be allowed to be constructed on the easement would need to be obtained.

B. The pool or spa may not be closer than five (5) feet to the property line measured at water’s edge.

C. Minimum setback requirements from property lines are as follows:

- (a) Front Yard: No pool allowed within a front yard.
- (b) Rear Yard: Five feet (5') Min.
- (c.) Side Yard: Five feet (5') Min. within the fence line of the property.
- (d) Easement: Setbacks shall comply with all easement regulations

D. An outside family swimming pool shall be completely enclosed by a substantial fence not less than five feet (5') in height, and any lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2015.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2015.

PUBLISHED OR POSTED this ____ day of _____, 2015.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing Ordinance was duly passed and published, or posted at 1) _____ 2) _____ and 3) _____ on the above referenced dates.

City Recorder

DATE: _____



City Council Staff Report

Building & Planning

Author: Building & Planning Department

Subject: Municipal Code 17.44.200, Landscaping Regulation, Park Strips and Tree requirements.

Date: October 29, 2015

Type of Item: Action/Discussion

Summary:

Discuss the City of Washington Terrace's Municipal Code section 17.44.200, Landscaping Regulations. Section 5. ii, iii, Park Strips and Trees within a Park Strip.

Description:

Topic:

The topic is whether trees within a Park Strip should or should not be allowed within the Park Strip area. The current ordinance allows for trees in a Park Strip.

The discussion is to provide guidance to either no longer allow for trees within the Park Strip or amend the Landscape regulations, 17.44.200.5. The Commission can review the approved tree list for Park Strip areas and modify the list by either reducing or possibly expanding the tree list. Trees that may not be as intrusive to the surrounding street, sidewalk, curb, street traffic, and pedestrians should also be considered.

The Commission can choose to do nothing with the ordinance, no changes.

Analysis:

City of Washington Terrace's municipal code Title 17.44.200.5 Residential landscaping includes all R zones, The City amended an approved trees list to allow a certain type of tree to be placed in the Park Strips.

Trees and some bushes within Park Strips generate a negative impact to the City.

A life safety issue to consider is that trees in a park strip can impact the visual line of site and obstruct traffic flow for egress in and out of a residence home causing accidents or near misses.

Trees can also impact the city infrastructure (curb, gutter and sidewalks). Trees root systems can damage curbs, gutter, and sidewalk and become a trip hazard and become costly for repairs to the City's Budget. Trees become a nuisance to pedestrians, snow plows, emergency vehicles and traffic in general when they are not maintained and are not kept up and/or trimmed. Limbs start to hang to low over the street or/and sidewalks and leaves left in street before winter make it extremely hard to plow roads.

For these reasons this item for trees in Park Strip areas has been brought back to the Planning Commission for discussion.

Department/Staff Review:

The Staff's opinion at this time feels that it is important to review this ordinance and the trees that are to be placed in the Park Strips and review potential options that can be provided for at this time in administering this Landscape Ordinance.

Ordinance:

5. Scope Of Requirements:

a. Residential landscaping includes all R zones.

- i. 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.
- ii. 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.

iii. Approved Park Strip Trees:

1. Crabapple/flowering
2. Plum-nonbearing varieties only
3. Golden rain tree.
4. Hawthorn: Lavelle, Carriere, Washington, or Paul Scarlet
5. Imperial honey locust.
6. Japanese lilac tree.
7. Maple: hedge, amur, tartartian, Rocky Mountain, or truncatum.
8. May Day tree.
9. Red bud, eastern tree.

Alternatives:

A. Approve the Request:

The Planning Commission is to advise staff to move forward to make the necessary changes and amendments to the Landscaping Regulations 17.44.200.5

B. No Action:

The Planning Commission can advise staff to take no action on the Landscaping Regulations 17.44.200.5 deny.

C. Continue the Item:

The Planning Commission could advise staff to move the item to a later meeting, for action or more discussion at a later time.



Planning Commission Staff Report

Author: Planning Dept
Subject: Discussion of infill properties for developing a higher density housing
Date: October 29, 2015
Type of Item: Discussion

Summary:

To discuss best use for infill properties located within the city.

Topic:

Purpose for the discussion is to receive the input from the Planning Commission on best practices for infill properties within the City. Developing infill sites in a manner complementary to their surroundings and with regard for areas as applicable contributes to the overall community vitality and continuity.

Background:

Around November 2006, the City of Washington Terrace amended the City's zoning map which changed and eliminated all multi-family / apartment zones within the city. Doing so only left two types of zones, Single Family Residential (R) zones and Commercial (1) and (2) zones. At the same time, the City also eliminated PUD (planned unit developments).

This change impacted several properties located within the City to property owners wanting to make the best use of their property for higher density.

Let it be noted that the city held a public hearing and there was no public comment to oppose the change. The amended zoning change was properly noticed and no public comments in 2006 about the rezone were made.

Several landowners have continued to request that the City amend or modify zoning to allow infill development or something other than Single Family residential housing.

The property owners hope that changes will be made for infill development with higher density housing. Property owners feel that it is cost prohibited to develop with the current Municipal standards and are requesting changes to those standards.

The standards of concern are: street width of 60 feet, lot sizes with the minimum lot they can develop being 6000 square feet, and not able to do multifamily homes or possible zero lot line development.

Analysis:

The change in the zoning was based on findings from the city's low/moderate income housing study. This study showed that Washington Terrace low/moderate housing greatly exceeded the numbers or percentage of housing for multifamily units compared to other communities/city. The Council and Mayor voted to change the zoning within the city to Single Family and Commercial only. Since the change, the City Council has stated at times that if a viable alternative could be found that they maybe in favor of change.

Discussion topics: Infill Developments

Infill development can help a community achieve or sustain thresholds of population density necessary for amenities such as affordable housing. Moreover, in communities where undeveloped, run-down, or vacant properties are eyesores or safety hazards, infill development can remove the blight of these properties.

- Many urban infill lots have remained undeveloped because they are the least desirable lots to build on due to size, undesirable locations, topographical restraints, or environmental concerns. (Would it be less desirable if the City allowed for smaller lots, multifamily units, etc?)
- Infill housing is the process of building new dwellings within an existing suburb of older houses. It is an important way of providing for future growth (What type of housing would be advantageous to see within the City.)
- Urban infill can be addressed successfully by a municipality at a relatively low cost through targeted code changes that address issues like building height, building setbacks, and lot coverage, appearance, amenities and access and/or egress. (Discuss the dislikes and likes of code changes addressing some of these examples)

Department Review:

The Staff's opinion at this time is that it is important to review Infill properties and discuss and review potential options that can provide opportunities to Landowners of Infill properties within the City for develop.

Alternatives:

A. Approve the Request:

The Planning Commission is to advise staff to move forward to make the necessary changes and amendments to the Infill zoning

B. No Action:

The Planning Commission can advise staff to take no action on the Infill properties

C. Continue the Item:

The Planning Commission could advise staff to move the item to a later meeting, for action or more discussion at a later time.