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# City of Washington Terrace

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Minutes of a Regular Planning Commission Meeting held on  
Thursday, April 26, 2018  
City Hall, 5249 South 400 East, Washington Terrace City,  
County of Weber, State of Utah

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12 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

13 Vice- Chair Scott Larsen  
14 Commissioner Henderson  
15 Commissioner Darren Williams  
16 Commissioner Dan Johnson  
17 Commissioner Charles Allen  
18 Commissioner T.R. Morgan -Excused  
19 Chairman Wallace Reynolds - Excused  
20 Chief Building Inspector Jeff Monroe  
21 City Recorder Amy Rodriguez  
22

23 **Others Present**

24 Jake Rosser  
25

- 26 1. **ROLL CALL** 6:00 p.m.  
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28 2. **PLEDGE OF ALLEGIANCE**  
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30 3. **WELCOME**  
31  
32 4. **RECURRING BUSINESS**  
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34 4.1 **MOTION: APPROVAL OF AGENDA**

35 Item 6.1 will be deleted from the agenda.

36 **Motion by Commissioner Allen**  
37 **Seconded by Commissioner Johnson**  
38 **To approve the agenda**  
39 **Approved Unanimously (5-0)**  
40

41 4.2 **MOTION: APPROVAL OF MINUTES FOR MARCH 29 ,2018**

42 **Motion by Commissioner Allen**  
43 **Seconded by Commissioner Henderson**  
44 **to approve the Minutes of March 29, 2018**  
45 **Approved unanimously (5-0)**  
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48 **5. SPECIAL ORDER**

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50 **5.1 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING SECTION**  
51 **17.44.080 OF THE MUNICIPAL CODE “FENCE, WALLS, AND**  
52 **HEDGES”**

53  
54 **Vice Chair Larson opened the public hearing at 6:03 p.m.**

55  
56 Monroe stated that the City does not currently allow 6 foot fences to go to the sidewalk on corner  
57 lots. Monroe stated that the ordinance was reviewed by Attorney Bill Morris and he added the  
58 comments and concerns from the Commission.

59  
60 Resident -Jake Rosser- 280 W 5600 S- asked for clarification on what the Public Hearing was for  
61 since the item was discussed at the last meeting. Monroe stated that no action was taken at the  
62 last meeting. The Public Hearing is held to comply with state law. Rosser gave a brief  
63 description of his property, stating that he has done research on other cities ordinances and  
64 cannot find an ordinance that restrict corner lots. He stated that he requested that the City change  
65 the ordinance so that he can use all of his yard. He feels that that the ten foot setback is too  
66 restrictive. He stated that there is a house on 5000 and Ridgeline that has tried to put up an illegal  
67 fence. Monroe stated that the resident put the fence up according to code, however, after review  
68 and complaints due to line of sight issues, he moved his fence back to 21 feet from the curb.

69  
70 Monroe stated that he does not agree with Mr. Rosser concerning other cities ordinances. He  
71 gave several examples of other cities corner lot ordinances which are restrictive and explained  
72 the reasoning for the laws. Monroe stated that the ordinance was adjusted a few years back to  
73 compromise on the issue. Monroe stated that he feels that the ordinance should not be changed at  
74 all at this time and has stated this in his recommendation to the Commission.

75  
76 Rosser stated that he believes that the fence should be allowed to be on the property line or at the  
77 most a foot back. Rosser stated that there are around 30 -40 corner lots in the city that have  
78 illegal 6 foot fences. He stated that he believes that they are not safety issues. He stated that if the  
79 ordinance changes, it would retro fit these fences to be legal. Rosser stated that he does not  
80 believe that we have a good ordinance and that we should conform to other cities ordinances. He  
81 stated that a conditional use permit system is giving too much authority to one person to make  
82 the decisions.

83  
84 Commissioner Williams stated that he can foresee problems with fences that have no visibility,  
85 such as a vinyl fence. Monroe stated that it is not a single person making the decision on a  
86 conditional use, it would be the Planning Commission body. Commissioner Johnson inquired  
87 what happens when people begin stacking things along the fence causing low visibility.  
88 Commissioner Johnson stated that someone could put a shed or items even with a conditional use  
89 permit. Monroe stated that those items would need to be itemized with the conditional use  
90 permit. Commissioner Johnson stated that it could become a safety issue because a child could  
91 get hit. Rosser stated that he agrees that one child is too many, but stated that he has never heard  
92 about a child on the 10:00 news being hit by a car because of a fence. He stated that his thought  
93 process is that not being hit by a car is part of being vigilant and aware of out surroundings.  
94 Rosser stated that it's a balance between practicality and safety. He stated that a lot of people did

95 not agree with the speed limit law, but stated that organizations need to do due diligence and  
96 traffic studies and believes that they would choose practicality to outweigh safety. He stated that  
97 he believes that in this scenario practicality outweighs safety. He stated that other cities must not  
98 have a problem with the fence law because they have not changed their laws and therefore he  
99 believes there is not an issue with safety.

100  
101 **Motion by Commissioner Johnson**  
102 **Seconded by Commissioner Allen**  
103 **To close the public Hearing**  
104 **Approved unanimously (5-0)**  
105 **Vice Chair Larson closed the public hearing at 6:25 p.m.**  
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108 **5.2 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING SECTION**  
109 **17.10.07 “DENSITY” REGARDING IN-FILL RESIDENTIAL**  
110 **STANDARDS**  
111

112 **Motion by Commissioner Johnson**  
113 **Seconded by Commissioner Williams**  
114 **To open the public hearing**  
115 **Approved unanimously (5-0)**  
116

117 **Vice Chair Larson opened the public hearing at 6:27 p.m.**  
118

119 There were no citizen comments.  
120

121 **Motion by Commissioner Henderson**  
122 **Seconded by Commissioner Johnson**  
123 **To close the public hearing**  
124 **Approved unanimously (5-0)**  
125

126 **Vice Chair Larson closed the public hearing at 6:27 p.m.**  
127

128  
129 **5.3 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING CHAPTER**  
130 **17.56 REGARDING TEMPORARY SIGNS**  
131

132 **Motion by Commissioner Williams**  
133 **Seconded by Commissioner Allen**  
134 **To open the public hearing**  
135 **Approved unanimously (5-0)**  
136

137 **Vice Chair Larson opened the public hearing at 6:27 p.m.**  
138

139 Monroe stated that the ordinance specifies time frames for temporary signs and the reasons for  
140 which they can be erected and how long they can stay up. Monroe stated that the ordinance also  
141 bans banner signs because many have become tattered and unsightly. He stated that signs can be  
allowed if there is a special event for advertising.

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There were no citizen comments.

**Motion by Commissioner Williams  
Seconded by Commissioner Allen  
To close the public hearing  
Approved unanimously (5-0)**

**Vice Chair Larson closed the public hearing at 6:30 p.m.**

**5.4 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING  
CHAPTER 8.16 REGARDING UNWANTED NUSIANCE TREES**

**Motion by Commissioner Johnson  
Seconded by Commissioner Allen  
To open the public hearing  
Approved unanimously (5-0)**

**Vice Chair Larson opened the public hearing at 6:31 p.m.**

Monroe stated that the ordinance would not allow trees that are damaging property, or may be too close to the home. Commissioner Henderson stated that the state tree is listed in the list of “unwanted trees”. He stated that the Quaker aspen has now become the state tree and feels that it should be deleted from the ordinance. Monroe stated that the life expectancy of the tree is not very long and it becomes hazardous due to easily broken limbs.

There were no citizen comments.

**Motion by Commissioner Allen  
Seconded by Commissioner Williams  
To close the public hearing  
Approved unanimously (5-0)**

**Vice Chair Larson closed the public hearing at 6:33 p.m.**

**6. NEW BUSINESS**

**6.1 MOTION: FINAL SUBDIVISION AND SITE PLAN APPROVAL  
FOR THE SCOTT WEBBER INFILL SUBDIVISION LOCATED BETWEEN  
4900 SOUTH AND 5000 SOUTH AT 500 WEST**

Item 6.1 has been deleted from the agenda.

**6.2 DISUCSSION/MOTION ORDINANCE 18-06: RECOMMENDATION TO  
COUNCIL TO AMEND SECTION 17.10.07 “DENSITY”, REGARDING IN-  
FILL RESIDENTIAL STANDARDS**

189 Vice Chair Larsen stated that the change will bring the ordinance into compliance and delete  
190 any conflicts within the code.

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**Motion by Commissioner Allen  
Seconded by Commissioner Johnson  
To recommend approval of Ordinance 18-06  
To amend section 17.10.17 “density” regarding  
In-fill standards  
Approved unanimously (5-0)**

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199 **6.3 DISCUSSION/MOTION ORDINANCE 18-05: RECOMMENDATION TO**  
200 **COUNCIL TO AMEND CHAPTER 17.56 REGARDING TEMPORARY**  
201 **SIGNS**

202

203 Commissioner Allen asked why we could not allow business to display their signs as many times  
204 as they desire. Monroe stated that one of the concerns is that many temporary signs are being left  
205 out and forgotten and it becomes a safety issue because it blows away or become unsightly.  
206 Monroe stated that the temporary signs should be used for a special event and that is why there is  
207 a 14 day limit.

208 Vice Chair Larsen questioned what would happen if the signs were different for different events.  
209 Monroe stated that the ordinance is limited per site. He stated that they are allowed 6 special  
210 events. Commissioner Allen stated that he feels that they should be allowed to have 12 events  
211 per year for businesses that have monthly events. Commissioner Henderson stated that he feels  
212 that the time limit should be extended to accommodate holiday seasons. Monroe stated that a  
213 holiday extension could be added. Commissioner Johnson stated that allowing them to have  
214 longer time frames and the ability to post as many times as they like would defeat the purpose.  
215 The holiday extensions should include Christmas, Halloween, Thanksgiving, Easter, and the  
216 Fourth of July. The ordinance will be changed to allow 12 signs per year.

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**Motion by Commissioner Johnson  
Seconded by Commissioner Allen  
To recommend approval of Ordinance 18-05  
To amend Chapter 17.56 regarding  
Temporary Signs**

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**6.4 DISUCSSION/MOTION ORDINANCE 18-07: RECOMMENDATION TO  
COUNCIL TO AMEND SECTION 17.44.080 REGARDING “FENCES,  
WALLS, AND HEDGES”**

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Vice Chair Larsen asked for clarification on the changes. Monroe explained that a fence needs to  
have a 40 foot site triangle (15 feet setbacks). Monroe stated that the request for the change is to  
allow a 6 foot fence between house and sidewalk to be against the sidewalk. Monroe stated that a  
conditional use will allow the Commission to look at the property, talk to the neighbors, and  
allow the fence with conditional restrictions. Monroe stated that there are residents who have  
legal 4 foot fences up to the sidewalk. Monroe stated that he would have to enforce the  
conditional use permits to ensure that the resident complies by not putting up trees or other

236 obstacles impeding line of sight. He does not recommend the conditional use process for this  
237 matter. Commissioner Henderson stated that he is not sure how much line of sight comes into  
238 play with Mr. Rosser's property. He stated that he is in favor of the conditional use permit  
239 because it may make sense for some cases.

240 Vice Chair Larson stated that what may work in one area may not work in another due to  
241 variances in streets.

242 Commissioner Allen stated that he has spent a lot of time on the matter and feels that his  
243 obligation, duty, and first priority as a Planning Commissioner is the health, safety, security, and  
244 welfare of residents in the city. He stated that if we allow the change through the condition use, it  
245 may or may not lessen the safety of the residents or visitors to the city. He stated that we cannot  
246 afford to take risks at any cost. Commissioner Allen recommends not to approve the ordinance  
247 and to leave it as is.

248 Commissioner Williams stated that if the only issue is safety, then everyone would have to  
249 remove anything that is blocking the driveways. He stated that his concern is that everyone has  
250 to have line of sight open. He stated that he is leaning towards conditional use permits.

251 Monroe stated that the planning commission would have to approve each case on a case by case  
252 basis. Monroe stated that the Council does not approve conditional use permits, however they  
253 will approve the final ordinance. Commissioner Allen stated that if we allow conditional use  
254 permits, he will do the investigations himself. Commissioner Henderson stated that he agrees  
255 that safety of the public is a main concern, but feels that if the Commission looks at every  
256 situation and uses common sense, the safety concerns will be met.

257

258 **Motion by Commissioner Henderson**  
259 **Seconded by Commissioner Williams**  
260 **To recommend approval of Ordinance 18-07**  
261 **To amend section 17.44.080 regarding**  
262 **Fences, Walls, and Hedges**  
263 **Approved (4-1)**  
264 **Commissioner Allen- nay**

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266 **6.5 DISCUSSION/MOTION ORDINANCE 18.-08: RECOMMENDATION TO**  
267 **COUNCIL TO AMEND CHAPTER 8.16 REGARDING "NUSIANCE"**  
268 **RELATING TO UNWANTED TREES THAT IMPACT PROPERTY AND**  
269 **LANDSCAPING**

270 Monroe stated that the list of trees came from the Urban forestry state of Review. He stated that  
271 the trees are on the list because they impact the neighborhood with root systems, infections,  
272 bugs, and they are noted as being diseased trees.

273 Vice-Chair Larson stated that some of the trees will not grow in our areas.

274 Monroe stated that it is not an all-inclusive list. He stated that he receives many complaints from  
275 residents concerning the sewer systems due to root systems. He also stated that there are several  
276 trees that have grown into fences. Monroe noted that there is one maple tree that has grown too  
277 close to the house and has fractured the walls of the house. He stated that this would give the city  
278 teeth in having people cut down hazardous trees. Commissioner Johnson stated that the hospital  
279 has trees where the roots have grown onto his fence. Monroe stated that this ordinance would  
280 include everyone in the city.

281 Monroe stated that he would send citations if he sees trees being planted that need to be  
282 removed. Monroe stated that some trees are damaging buildings and they would be told to

283 remove the trees. Vice- Chair Larsen stated that he would leave the Quaker aspen trees the  
284 ordinance because they are a nuisance.  
285 Monroe stated that the ordinance includes the trees that attracts certain diseased insects.  
286 Monroe stated that removal of the trees will have to be complaint based.

287  
288 **Motion by Commissioner Williams**  
289 **Seconded by Commissioner Johnson**  
290 **To recommend approval of Ordinance 18-08**  
291 **To amend chapter 8.16 “Nuisance” regarding**  
292 **Unwanted trees that impact property and landscaping**  
293 **Approved unanimously (5-0)**  
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295 **7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**  
296 **ZONING ISSUES**  
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298 Monroe stated that the Langford Subdivision is on the May 1, 2018 Council agenda.  
299 Monroe stated that the Webber Subdivision will be on the Planning Commission agenda at a  
300 future date.  
301 Monroe stated that the Professional Building Demo has been placed on hold. Police and Fire  
302 have been using the building for trainings.  
303 Monroe stated that 5600 South Road is being connected to the main street. Monroe stated that  
304 Golden West Credit Union will eventually put in an administrative campus. He stated that the  
305 area will be Commercial property.  
306 Monroe stated that the Public Works Facility is almost completed and suggested a tour of the  
307 facility if the Commission is interested.  
308 Monroe stated that the Realtors Association Business is on hold.

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310 **8. MOTION: ADJOURN THE MEETING**  
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312 **Motion by Commissioner Johnson**  
313 **Seconded by Commissioner Williams**  
314 **To adjourn the Meeting**  
315 **Approved Unanimously (5-0)**  
316 **Time: 7:27 p.m.**  
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321 **Date Approved**

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321 **City Recorder**  
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