



**Planning Commission Meeting
Thursday, August 29, 2019
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 MAY 30, 2019**

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 HEAR COMMENT IN SUPPORT AND OPPOSITION TO THE PROPOSED ORDINANCE AMENDING SECTION 17.44.080 “FENCES, WALLS, AND HEDGES” REGARDING FENCING ALLOWED WITHIN A SIGHT TRIANGLE**

 - 5.2 **PUBLIC HEARING: TO HEAR COMMENT IN SUPPOR AND OPPOSITION TO THE COMMISSION CONSIDERATION OF AN APPLICATION TO ALLOW FOR A CONDITIONAL USE PERMIT AT 200 E 5100 S TO ALLOW FOR A FENCE HIGHER THAN 6 FEET**

6. **NEW BUSINESS**
 - 6.1 **MOTION/ORDINANCE 19-07: MOTION TO RECOMMEND APPROVAL OR DENIAL OF ORDINANCE 19-07 AMENDING SECTION 17.44.080 “FENCES, WALLS, AND HEDGES” TO DEFINE AND DESCRIBE THE TYPE OF FENCING ALLOWED WITHIN A SIGHT TRIANGLE**

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

**6.2 MOTION: CONSIDERATION OF A CONDITIONAL USE PERMIT FOR
200 E 5100 S TO ALLOW FOR A FENCE HIGHER THAN 6 FEET**

7. BUILDING AND PLANNING UPDATES

8. MOTION: ADJOURN THE MEETING

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Amy Rodriguez, Washington Terrace City Recorder

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3 **City of Washington Terrace**
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6 **Minutes of a Regular Planning Commission Meeting held on**
7 **Thursday, May 30, 2019**
8 **City Hall, 5249 South 400 East, Washington Terrace City,**
9 **County of Weber, State of Utah**
10

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13 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

14 Chairman Scott Larsen
15 Commissioner Dwight Henderson
16 Commissioner Darren Williams
17 Commissioner Dan Johnson - Excused
18 Commissioner T.R. Morgan
19 Commissioner Wallace Reynolds
20 Commissioner Charles Allen
21 Chief Building Inspector Jeff Monroe
22 City Recorder Amy Rodriguez
23

24 **Others Present**

25 None
26

27 **1. ROLL CALL**

6:00 p.m.

28
29 **2. PLEDGE OF ALLEGIANCE**

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31 **3. WELCOME**

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33 **4. RECURRING BUSINESS**

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35 **4.1 MOTION: APPROVAL OF AGENDA**

36
37 **Motion by Commissioner Reynolds**
38 **Seconded by Commissioner Morgan**
39 **to approve the agenda**
40 **approved unanimously (6-0)**
41

42 **4.2 MOTION: APPROVAL OF MINUTES FOR APRIL 25, 2019**

43
44 **Motion by Commissioner Allen**
45 **Seconded by Commissioner Williams**
46 **to approve the minutes of April 25,2019**
47 **approved unanimously (6-0)**

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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 HEAR COMMENT ON PROPOSED ORDINANCE 19-03 AMENDING SECTION 17.28.50 “CONDITIONAL USES” TO ALLOW FOR ONLINE SALES, ONLINE CAR SALES AND FOOD TRUCK OPERATIONS

Chairman Larsen opened the public hearing at 6:07 p.m.

There were no citizen comments.

Chairman Larsen closed the public hearing at 6:08 p.m.

5.2 PUBLIC HEARING: TO HEAR COMMENT ON PORPOSED ORDINANCE 19-04 AMENDING CHAPTER 5 “BUSINESS LICENSING AND REGULATION” TO ALLOW F OR FOOD TRUCKS

Chairman Larsen opened the public hearing at 6:08 p.m.

There were no citizen comments.

Chairman Larsen closed the public hearing at 6:08 p.m.

5.3 PUBLIC HEARING: TO HEAR COMMENT ON PROPOSED ORDINANCE 19-05 AMENDING CHAPTER 12.06 “ PUBLIC PARKS AND GROUNDS”, SECTION 12.06.040 ”PROHIBITIONS” TO ADD A PROHIBITION AGAINST SLIDING OF ANY KIND WHICH MAY CAUSE DAMAGE TO HILLSIDES OR PARK GRASS AREAS

Chairman Larsen opened the public hearing at 6:09 p.m.

There were no citizen comments.

Chairman Larsen closed the public hearing at 6:09 p.m.

6. NEW BUSINESS

6.1 MOTION/ORDINANCE 19-03: MOTION TO RECOMMEND APPROVAL OF ORDINANCE 19-03 AMENDING SECTION “17.28.50 “CONDITIONAL USES” TO ALLOW FOR ONLINE SALES (AUTO), FOOD TRUCKS, AND ONLINE SALES (OFFICE)

Monroe stated that uses are identified in C1 and C2 commercial zones. This ordinance amends the uses in those zones in that section of the code. Monroe stated that online sales, food trucks, and online auto sales will be added to the code.

Commissioner Allen asked about the food trucks being a permitted use and if Monroe will approve them instead of the Commission. Monroe stated that he would be approving them as permitted, and not as a conditional use. They would not come before the Commission. He will follow state regulations.

96 Monroe stated that the food trucks will be allowed as a permitted use in any zone.
97 Monroe stated that auto sales will remain a conditional use.

98
99 **Motion by Commissioner Reynolds**
100 **Seconded by Commissioner Allen**
101 **To recommend approval of ordinance 19-03**
102 **Amending “Conditional Uses” to allow for**
103 **Online sales, food trucks, and office online sales**
104 **Approved unanimously (6-0)**
105

106 **6.2 MOTION/ORDINANCE 19-04: MOTION TO RECOMMEND APPROVAL**
107 **OF ORDINANCE 19-04 AMENDING CHAPTER 5 “BUSINESS LICENSING**
108 **AND REGULATIONS” TO ALLOW FOR FOOD TRUCKS IN THE CITY**

109 Commissioner Allen suggested taking out the retail tobacco preamble. He suggested
110 deleting the section 5.07.90. Commissioner Allen would like to add another paragraph to
111 the definitions. He asked if definition 1 and definition 7 could be consolidated, as they
112 are similar. He would like to add two more definitions. He will give them to Monroe for
113 approval if they are appropriate. The number on 5.07.030 needs to be corrected.
114 Commissioner Allen also stated that the reference should read 5.07.050 instead of
115 5.07.010.

116 Monroe stated that he will take Commissioner Allen’s notes and make corrections.
117 Monroe stated that the Council will review and establish the fees yearly.
118 Commissioner Allen asked if days and hours of operations should be added. The
119 Commission decided not to, as the event will decide the time.

120
121 **Motion by Commissioner Morgan**
122 **Seconded by Commissioner Reynolds**
123 **To recommend approval of ordinance 19-04**
124 **Amending “Business Licensing and Regulations” to allow for**
125 **Food Trucks in the City with Commissioner Allen’s suggestions**
126 **Approved unanimously (6-0)**
127

128
129 **6.3 MOTION/ORDINANCE 19-05: MOTION TO RECOMMEND APPROVAL**
130 **OF ORDINANCE 19-05 AMENDING CHAPTER 12.06 “PUBLIC PARKS**
131 **AND GROUNDS”, SECTION 12.06.040 “PROHIBITIONS” TO ADD A**
132 **PROHIBITION AGAINST SLIDING OF ANY KIND WHICH MAY CAUSE**
133 **DAMAGE TO HILLSIDES OR PARK GRASS AREAS**
134

135 Monroe stated that the hillsides are being damaged and the officers cannot enforce no
136 sliding unless there is snow pack. Monroe stated that ice blocking is taking place, and
137 long board skateboarders are running down the hill in the same spot, wearing out the
138 grass. Without anything in code, law enforcement cannot enforce. Monroe stated that the
139 grass will not be damaged if there is a snow pack. Monroe stated that there are signs
140 posted. Commissioner Morgan stated that he would like to table the item for more
141 discussion, stating that it is arbitrary because other kids are using other areas of the park
142 in different ways. He suggested re-wording the ordinance to limit it to areas that have

143 signage. Commissioner Morgan stated that he would like to protect the grass, however,
144 he would like to discuss how to word it so that we are not limiting activities that can be
145 done in the park. Monroe stated that he agrees that it could be re-worded.
146 Commissioner Allen stated that he would like to add feces from dogs, cats, or animals,
147 under item 8 “littering”. Monroe stated that it is covered in chapter 6.
148 Commissioner Allen stated that “load” should state “loud”.

149
150 **Motion by Commissioner Morgan**
151 **Seconded by Commissioner Reynolds**
152 **To recommend to table the**
153 **Item for further discussion**
154 **Approved unanimously (6-0)**
155

156 **7. BUILDING AND PLANNING UPDATES**

157 Monroe stated that there are a lot of projects in the city coming up this summer.
158 Monroe stated that there is a group that would like to put in a 160 unit apartment complex.
159 Monroe stated that this is against ordinance. He and Hanson will meet with the group to discuss
160 options.
161 Monroe stated that there are a lot of people wanting to do high density buildings.
162 Monroe stated that the hospital complex will be building a 4 story medical building in the old
163 Boyer building.

164
165 **8. MOTION: ADJOURN THE MEETING**

166 **Motion by Commissioner Reynolds**
167 **Seconded by Commissioner Williams**
168 **To adjourn the meeting**
169 **Approved unanimously (6-0)**
170 **Time: 6:48 p.m.**
171

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174 _____
Date Approved

_____ **City Recorder**



Planning Commission Staff Report

Building & Planning

Author: Building & Planning Dept
Subject: CORNER LOT AMENDING TO ALLOW SCALLOPED STYLE FENCING
Date: August 29, 2019

Type of Item: To amend and allow scalloped style fencing to be constructed on corner lots within the City.

Summary Recommendations: By motion, approve scalloped style fencing to be added as a approved style of fencing on corner lots within the site triangle.

Description:

A. Topic: Allow corner lots within the sight triangle to install Scalloped style fencing.

B. Background: This type of fence has been installed in a few areas in the city After review of this style of fence that it was found that it does not take away from the line of sight or cause a line of sight obstruction.

The style and design will need to be defined so that the homeowner and designer will be clear on the construction of this type of fencing.

A scalloped picket fence spaces out panels of various sizes to create an arrangement that resembles the form of a scallop shell. By using shorter panels in the middle of the fencing section and gradually increasing panel height as you work your way to the posts on either end of the section, you can create a u-like shape that, when repeated throughout the entirety of the fence line, achieves an aesthetically pleasing design.

As part of this design the center pointe shall not be any higher than 2 two feet and the post no higher than 3 three feet, with a scallop appearance, which shall be approved by the building department.

Alternatives:

A. Approve the Request:

The Planning Commission should review the recommendation and make a motion to revise the and add scallop fencing to be allowed on corner lots within the site triangle.

B. Deny the Request:

The Planning Commission can deny the request.

C. Continue the Item:

The Planning Commission could table the item to a later meeting, for action at that time.

Significant Impacts:

No impact to the City

**WASHINGTON TERRACE CITY
ORDINANCE 19-07**

FENCE, HEDGE, AND WALL REGULATIONS AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, AMENDING SECTION 17.44.080 OF THE WASHINGTON
TERRACE MUNICIPAL CODE RELATING TO FENCES, HEDGES,
AND WALLS; 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, after publication of the required notice, the Planning Commission held its public hearing on _____, 2019, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2019, 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: Adoption. Section 17.44.080 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

17.44.080 Fences, Walls And Hedges

- A. Residential Zones:
1. Interior Lots:

- a. Front Yards. No fence shall be erected in any residential zone which exceeds four feet (4') in height. All fences must be constructed on or within the property line.
- b. Back Yards. A fence, wall, or hedge not in excess of six feet (6') in height may be erected anywhere on the lot behind the front yard setback line of the required front and side yard setbacks and is limited to the interior of a lot or parcel.
- c. Residential Zones. A fence within the interior lot or parcel of any rear or side yard area shall not exceed six feet (6') in height.

1. Corner Lots:

2. Corner Lots:

- a. Front Yards. No fence shall be erected in any residential zone which exceeds four feet (4') in height, except within the sight triangle. All fences must be constructed on or within the property line. Any fence constructed adjacent to an existing or future sidewalk shall be located a minimum one (1') foot behind sidewalk to allow a clear walkable area.
- b. Back Yards. A fence, wall, or hedge not in excess of six feet (6') in height may be erected anywhere on the lot behind the rear line of the required front setback of the dwelling. On the side bordering the street, a fence, wall, or hedge not in excess of six feet (6') in height may be erected, as adopted in the following requirements.
 - i. Sight Triangle. The "sight triangle" is to protect the line of site for the intersection of an area which extends for forty feet (40') in all zones from the corner in both directions. The maximum height in the sight triangle is two feet (2') for all fences, walls and hedges. All fences within the sight triangle must be on or within the property line. Any trees within the sight triangle must be trimmed above the ground at a seven-foot (7') minimum or comply with section 17.44.130 of this chapter.
 - ii. No fence, wall, or hedge shall be constructed or maintained over, across, surrounding, or limiting access to any public utility or any utility meter. This does not apply to secondary water system valves that may exist in the rear yard or side yard of a property.
 - iii. The sight-triangle shall be maintained and protected for any adjacent primary driveway closer than (24') twenty-four feet of the constructed or proposed fence over (4') four-feet high. Within (24') twenty-four feet, the adjacent driveway sight-triangle shall be protected for the clear view setback of (24') from the edge of primary driveway at one foot back of sidewalk and (15') fifteen-feet from the face-of-curb to the fence alignment nearest the primary driveway. The primary

driveway is defined as the driveway leading directly into the household garage or primary attached carport.

- iv. Any fence, wall, or hedge shall be constructed or maintained behind gas and power meters, utilities to maintain access to those meters and equipment.
- v. Landscaping or shrubbery within the driveway site triangle or the roadway site triangle shall not obstruct or block or impede the line of sight within those areas. Impediments shall be removed or altered in order to protect the sight-triangle for the safety and wellbeing of residents and motorist within the City.
- vi. Scallop fencing maybe installed. The center pointe shall not be any higher than 2 two feet and the post no higher than 3 three feet, with a scallop appearance, which shall be approved by the building department.

3. Retaining Walls. Where a fence is erected on a retaining wall, or where for other reasons there is a difference in elevation of the surface of the land on either side of a fence, the height of the fence shall be measured from the surface of the land on the side having the highest elevation.

- B. Commercial Zones. Fence heights in commercial and manufacturing zones shall be as approved by the planning commission.
- C. Public Facilities. The provisions of this section shall not apply to fences required by state law to surround and enclose public utility installations and public schools.
- D. Residential. Any fences, walls, hedges over six feet (6') shall not be constructed without approval by the appropriate local authority or building official.
- E. Prohibited Fencing. No fence shall be constructed of barbed wire, shard wire, or electrically charged wire in any residential zones. The following material is prohibited in all zones: grape stakes (or similar), plastic sheeting/plastic materials other than vinyl, traps, cloth, canvas or like materials, plywood, pallets, chain link fencing with slats will not be permitted within the front setback nor along any street.
- F. Standard. All fences shall be weather protected from rust, sun, rain, and any other outside elements.
- G. Maintenance of Fences and Walls. All fences, walls, and adjacent areas shall be maintained in good repair at all times by the property owner.
- H. Removal and Repairs. Removing or repairing a fence that does not comply with the municipal code must be re-constructed and re-installed in accordance with the current code requirements.

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 _____, 2019.

MARK C. ALLEN, Mayor,
Washington Terrace City
ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2019.
PUBLISHED OR POSTED this ____ day of _____, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

AMY RODRIGUEZ, City Recorder

DATE: _____



Planning Commission Staff Report

Building & Planning

Author: Planning Department
Subject: REQUEST TO RAISE AND BUILD A HIGHER FENCE IN THE REAR OF THE PROPERTY.
Date: August 29, 2019
Type of Item: To allow for a “Conditional Use” to Randy & Tiffany Emero to build a fence higher than the 6 foot height at 200 East 5100 South

Summary Recommendations: The Petitioner, Mr. & Mrs. Emero are requesting that they be able to build a 10 to 12 foot high fence to the rear of their property.

Description:

A. **Topic:** The Planning Commission as stated in section 17.40.080, ‘Use Requirements’ can approve minor revisions and amendments for Conditional Use requirements for PRUD’s.

Residential. Any fences, walls, hedges over six feet (6’) shall not be constructed without approval by the appropriate local authority and/or Planning Commission.

B. **Background:** The Petitioner has asked the Planning Commission to grant under a “Conditional Use” to be able raise the height of his fence in the rear yard to 10 to 12 feet, where it will be boarding a new subdivision, Stander Townhomes.

The Planning Commission has the ability to grant approval and or/for any other conditions under the “Conditional Use” requirements as perceived by the Planning Commission.

C. **Department Review:** Please review the request and allow the Fencing height increase and allow a “Conditional Use”

Alternatives:

A. Approve the Request:

The Planning Commission should discuss the recommendation and make a motion to grant a “Conditional Use” and allow the fence to be built 10 feet to 12 feet as request.

B. Deny the Request:

The Planning Commission can deny the request.

C. Continue the Item:

The Planning Commission could table the item to a later meeting, for action at that time.

Significant Impacts:

No impact to the City