



**Planning Commission Meeting  
Thursday, August 30, 2018  
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 JUNE 28 ,2018**
  
5. **NEW BUSINESS**
  - 5.1 **DISCUSSION: REVIEW OF MUNICIPAL CODE CHAPTER 8.16,  
“INSPECTION AND CLEANING”**
  
6. **UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND  
ZONING ISSUES**
  
7. **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

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**Minutes of a Regular Planning Commission Meeting held on  
Thursday, June 28, 2018  
City Hall, 5249 South 400 East, Washington Terrace City,  
County of Weber, State of Utah**

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## **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

Chairman Wallace Reynolds  
Commissioner Dan Johnson- excused  
Commissioner T.R. Morgan  
Vice- Chair Scott Larsen  
Commissioner Charles Allen  
Commissioner Darren Williams - excused  
Commissioner Henderson – excused  
Planning Attorney Bill Morris  
Chief Building Inspector Jeff Monroe  
City Recorder Amy Rodriguez

## **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 Morgan  
Seconded by Commissioner Larsen  
To approve the agenda  
Approved unanimously (4-0)**

**4.2 MOTION: APPROVAL OF MINUTES FOR MAY 31 ,2018**

**Motion by Commissioner Allen  
Seconded by Commissioner Larsen  
to approve the minutes of May 31, 2018  
Approved unanimously (4-0)**

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49 **5. SPECIAL ORDER**  
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51 **5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND**  
52 **OPPOSITION TO A CONDITIONAL USE PERMIT AND**  
53 **REQUIREMENTS FOR A LANDSCAPING COMPANY OFFICE AND**  
54 **EQUIPMENT TO BE LOCATED AT 310 EAST 5000 SOUTH IN THE C-1**  
55 **COMMERCIAL ZONE**  
56

57 **Chairman Reynolds opened the public hearing at 6:19 p.m.**

58 There were no citizen comments.

59 **Chairman Reynolds closed the public hearing at 6:20 p.m.**  
60

61 **6. NEW BUSINESS**  
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63 **6.1 MOTION: APPROVAL OF CONDITIONAL USE PERMIT FOR**  
64 **KEVIN LINSLEY LANDSCAPING COMPANY TO BE LOCATED AT**  
65 **310 EAST 5000 SOUTH IN THE C-1 COMMERCIAL ZONE**

66 Monroe stated that the area is the old Neptune Pool lot. He stated that the pool will be  
67 demolished and filled in to make way for an office building and a possible storage area for  
68 landscaping equipment. Monroe stated that he believes that the vehicles parked in the area will  
69 remain. Monroe stated that the area is located behind Tod's Printing shop.

70 Monroe stated that this particular piece of ground will have to have the address changed, as it  
71 currently shares the same address as another parcel. Chairman Reynolds noted that the parcel  
72 next to it that was granted approval last meeting shows the address as 300 West, coming in off of  
73 500 South. Monroe stated that he will research the address, as he noted that it should be coming  
74 off of 300 West.

75 Monroe stated that he does not know a timeframe for the project, however, he estimates that it  
76 will begin within the next 6 months.

77 Commissioner Allen asked if there was a completed site development plan. Monroe stated that  
78 they did not. He stated that they are going to demo the area and then come in for a building  
79 permit at a later date. Commissioner Allen stated that he would like to see a site plan.

80 Monroe noted that they will need to bring in plans at the building permit stage.

81 Commissioner Larsen stated that the motion is to approve the use of the zone for a landscaping  
82 company and the rest will come later.

83 Chairman Reynolds stated that it would be helpful to know if they are going to construct a  
84 building as their headquarters. He stated that he feels that they will need to bring in a plan as  
85 well.

86 Monroe stated that the Commission will need to approve the parking stalls proposed.

87 Commissioner Allen stated that there are 24 issues in code that the Commissioner should be  
88 looking at to grant a conditional permit.

89 Commissioner Morgan stated that he does not have a problem with the location for their  
90 business.

91 **Motion by Commissioner Morgan**  
92 **Seconded by Commissioner Larsen**  
93 **To table the item pending submission of site plan**  
94 **Approved unanimously (4-0)**  
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96        **7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**  
97        **ZONING ISSUES**

98        There were no updates.

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

101       Chairman Reynolds adjourned the meeting at 6:35 p.m.

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**Date Approved**

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**City Recorder**



5249 S Ridgeline Dr.  
Washington Terrace, Ut, 84405  
801-395-8280

AUGUST 2018

## Planning Commission Staff Report

Building & Planning

**Author:** Planning Dept.  
**Subject:** REVIEWING SECTION INSPECTION & CLEANING 8.16 OF  
THE CITY ORDINANCE RELATING TO NUISANCES  
**Date:** August 30, 2018  
**Type of Item:** Discussion

**Summary Recommendations:** At this time no recommendation, Discussion only and review and justify the descriptions of code sections 8.16.010 to 8.16.040.

**Background:** The City Nuisance Ordinance as currently written is in need of review. It has been brought to our attention that parts of the Inspection & Cleaning Section 8.16, does not have enough justification based off the descriptions as outlined in the ordinance and section 8.16.020 and 8.16.040 in particular. The Commission should review and discuss these sections to validate the code to allow the Prosecutor to better describe the violation or offense, and therefore be able to prosecute the violation and correct the offense.

**Narrative:** *The* purpose is to review and validate the subjective components of the Inspection and Cleaning Code 8.16 and evaluate subsections 8.16.020 & 040, to correct any subjective or indefensible arguments The nuisance descriptions need to be defined to insure that they are capable of being justified or valid when citing a property under those code sections. The Prosecuting Attorney needs to feel that he has justification based off the description by code to prosecute the violation as written and described.

At this time the Prosecuting Attorney has stated that some areas in the Ordinance are subjective and not justifiable in the code.

**Department Review:** Staff recommends to review ordinance for justification of violations within the Code 8.16.020 to 8.16.040.

**\*\*\*\*ATTACHED BELOW IS THE INSPECTION & CLEANING 8.16.020 TO 8.16.040**

**Alternatives: no action**

- A. **Approve the Request:**
  - B. **Deny the Request:**
  - C. **Continue the Item:**
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## CHAPTER 8 HEALTH & SAFETY

### 8.16 INSPECTION & CLEANING

#### 8.16.010 Authority

This chapter is known as 'Inspection and Cleaning' adopted as authorized by Utah Code Annotated §10-11-1, et seq, 1953 as amended. In accordance with Utah Code Annotated §10-8-60, the city hereby exercises its broad authority to declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue, or suffer any nuisance to exist.

#### HISTORY

*Repealed & Reenacted by Ord. [13-01](#) on 1/15/2013*

#### 8.16.020 Definitions

As used in this code, the following words mean:

1. 'Abandoned' means a nuisance condition or nuisance object left or perceived to be left unattended, disused, discarded, discontinued for more than 10 days upon public or private property.
2. 'Abate' or 'abatement' means an action by the city to repair, replace, rehabilitate, remove, destroy, demolish, correct or otherwise remedy any condition that is declared a nuisance in this chapter.
3. 'Enforcement official' means an building inspector, code enforcement official, sheriff, for other official designated by the city manager to enforcement of this chapter.
4. 'Nuisance' means a condition or location where that the city has declared a nuisance using the broad nuisance declaration powers set forth in Utah Code Annotated §10-8-60. Such condition includes but is not limited to a unsightly or injurious object, structure, non-maintained conditions, unsightly conditions, noxious conditions or objects, trash, junk, refuse or garbage, anything dangerous to human life or health, or anything rendering the soil, air, water, or food to be impure or unwholesome.
5. 'Nuisance vehicle' means any wrecked, obsolete, junked, inoperable, unregistered, or expired vehicle, or any portion of such vehicle in the city. It also includes any vehicle or part of a vehicle that is parked illegally on public property or the public right-of-way, in violation of land use regulations, not able to be driven legally based on any condition or status. It further includes any vehicle used for commercial purposes in a residential zone that is not actively going to or returning from a delivery in the city, or a vehicle used for commercial purposes where the owner of the vehicle does not have an approved commercial site plan and/or a business license within the city.
6. 'Noxious weed' means vegetation that is determined by the state of Utah, Weber County, or Utah State University (USU) Extension Services to be environmentally invasive.
7. 'Owner' means any person or entity that is the reputed or record owner of the premises, or the responsible party as provided in this chapter.

8. 'Property' means any real property, lot, parcel or plot of ground, whether occupied or not, and any premise including a building or structure, or the premises on which a building or structure is located, or undeveloped land.
9. 'Refuse', 'junk', 'debris' or 'garbage' means useless, worthless or discarded materials, indoor household furniture or parts thereof left outdoors, used tires, parts of vehicles, unsightly machinery or equipment, unsightly appliances or parts of appliances, trash, rubbish, grass and tree trimmings, rotting material or vegetation, litter, scrap building materials, food product waste, dead animals, and any similar material.
10. 'Temporary permit' means temporary permit issues by the Utah Division of Motor Vehicles for a vehicle that is being repaired or restored to pass required state and county inspections or otherwise.
11. 'Vehicle' means a motorized, non-motorized, or self-propelled device intended primarily for transportation, use and operation on a road or utility or recreation, or a device used in the transportation of any item from one location to another such as a trailer.

#### **8.16.030 Duty To Maintain**

In accordance with Utah Code Annotated §10-11-2, all property owners, their agent(s), all occupant(s) or tenants, or other person having control of real property have a duty to maintain real property free and clear of any nuisance or nuisance activity as provided in this chapter. The duty in this section shall be deemed all property owners, their agent(s), all occupant(s) or tenants, or other person having control of real property to be the responsible party for any nuisance and each shall be joint and severally liable therefore for its removal, remedy, and/or damages, including fines and penalties.

#### HISTORY

*Repealed & Reenacted by Ord. [13-01](#) on 1/15/2013*

#### **8.16.035 Unwanted Trees**

8.16.035. Unwanted Trees.

The following conditions concerning trees are hereby declared to be unlawful and a public nuisance. It shall be unlawful for the owner, occupant or a person in control of any property in the city to plant, maintain or permit the public nuisance described below to exist on said property and/or within the parking strip abutting such property:

- a. Any tree that impacts or that encroaches onto neighboring property, over or through a fence. Should be cut or trimmed and maintained to prevent damage.
- b. Any tree designated as a unwanted tree as listed in this ordinance and in either a commercial or a residential area should not be planted or may be required to be removed, if the tree has a destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of healthy trees, shrubs or plants in the city, or which is capable of causing an epidemic spread of a communicable disease, example: such as Dutch elm disease or insect infestation, or gypsy moth,
- c. If the tree is hazardous, dead decayed overgrown and/or uncultivated or not maintained which may become a hazard to any structure and/or a fire hazard or danger to surrounding area, or which is likely to harbor rats, vermin or other pests or insects and/or a nuisance to

neighboring property through suckers growth or an invasive root system and with intrusive seedlings, should not be planted and may be required to be removed.

The listed type of trees to prevent a nuisance that are unwanted trees are as follow:

1. Tree of Heaven, 2. Black locust trees, 3. Siberian elm, 4. Russian olive tree, 5. Mimosa (Albizia julibrissin), 6. White Mulberry (Morus alba), 7. Hackberry (Celtis occidentalis), 8. Eastern Cottonwood (Populus deltoides), 9. Bradford Pear (Pyrus calleryana 'Bradford'), 10. Chinese flame tree (aka bougainvillea goldenrain tree), 11. Ginkgo tree, Sweet gum tree, 12. American Elm (Ulmus Americana), 13. Box Elder (Acer Negundo), 14. Idaho Locust (Robinia x Ambigua), 15. Birch (Betula),

#### HISTORY

*Repealed & Reenacted by Ord. [18-08](#) on 5/15/2018*

#### **8.16.040 Nuisance Declared**

The following objects, acts, or conditions along with any resulting condition, are hereby declared to be nuisances in violation of this chapter and subject to the penalties provided herein:

1. Conditions that create a possible fire hazard.
2. Unlawful pollution or environmental degradation, or anything rendering the soil, air, water, or food to be impure or unwholesome.
3. Conditions that harbor or attract rodents, insects, disease, or other forms of life deleterious to human habitation.
4. Deleterious surroundings and structures in violations of local codes.
5. Allowing or causing to keep, deposit, dump, burn, bury or allow to exist any unsightly or injurious objects, structures, junk, discarded or unused objects or equipment, nuisance vehicles, noxious weeds, grass over six (6) inches in growth, ~~or~~ neglected landscaping, any dry or parched landscaping or lawn, failure to maintain any lawn or landscaping including the adequate watering of the same.
6. To allow vegetation, waste, garbage, litter, filth, refuse, feces, or manure to accumulate within or upon any property, except where it is scheduled for immediate removal.
7. To discharge or dump liquid waste, hazardous waste, or refuse of any kind into any street, road, sidewalk, gutter, stream, drain, pipe, wash, natural water course, ditch, canal, lot, or other property.
8. To obstruct any watercourse, storm drain, or pipeline.
9. To permit any garbage container to remain on a premise when it has become unclean, offensively putrescent, or overflowing. Failure to remove a garbage or recycling container within 24-hours of pick-up.
10. To block, obstruct, or interfere with access or use of city streets, sidewalks, easements, or right-of-ways without an encroachment permit from the city.
11. Any condition or object that may cause immediate and irreparable harm to a person or endanger public health and safety.
12. The accumulation of animal waste products.
13. Any unkempt, offensively putrescent, or filthy stable, stall, corral, feed yard, or in any other structure or area where animals are kept.
14. Allow to be kept or collected any putrid grease, vegetable matter, rotting substance, or other similar matter on any premises.

15. Dumping, disposal, or handling of grease, oils, fats, or substance in any manner that may result in any pollution, clog, or damage to any sewer system, storm water system, or the environment.
16. To have or permit upon any condition that creates unnecessary stagnant water, or unnecessarily fosters flies, mosquitos, or rodents.
17. To pollute or render fowl water in any spring, stream, well, or other water supply. Including any action or inaction that may jeopardize or harm a public or private water system, including a drinking fountain.
18. Create or allow a condition or object that may detrimentally affect any sanitary sewer line or system, septic system, or other waste collection system. Including any action or inaction by an owner that may result in any overflow, system failure, or other potential public or environmental hazard relating to sewer.
19. To allow any property or project to hold any decaying material, hazardous material, explosives, or offensive substances.
20. To plant or maintain any tree or vegetation that may enter or damage any storm drain, field or land drain, or sewer systems, or cause heaving or other damage to any sidewalks, curbs, gutters, or streets. Including overhanging trees, branches, or vegetation in violation of the Manual on Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) standard, or other applicable code.
21. To plant or maintain trees or vegetation which obstruct the clear view of traffic, traffic signs, fire hydrants, utilities, public right-of-ways, sidewalks, curbs, and intersection corner property sight triangles specified in the land use ordinance.
22. To fail to properly keep adjoining public sidewalks clear of snow and any other obstruction.
23. To put or cause to have put snow, ice, leaves, litter, dirt, debris, or other refuse into the public right-of-way.
24. To operate a business within the city without obtaining the appropriate city business license, along with any required state license and tax identification numbers.
25. Failure to control and prevent back-flow and eliminate all cross connections between any auxiliary water source and the city's culinary water systems.
26. Failure to install, maintain, control, back-flow devices for any sewer and/or water system.
27. Failure to immediately stop and repair any culinary water, secondary water, or sewer line break.
28. Leaving fuel, flammable material, or similar material open and accessible to children or creating an attractive nuisance condition.
29. Failure to park any vehicles, motor home, fifth-wheel, trailer, water craft, recreational vehicle, and axle driven devises on a solid surface type material such as asphalt or concrete. The solid surface area must also cover the full size of the vehicle where such vehicle is parked. Nuisance under this part are exempt where granted a winter parking exemption in the municipal code under Section 10.16.030 so long as the required spring restoration of the soft surface is completed as provided in the municipal code. Failure to make spring restoration of soft surface under this part is a nuisance under this chapter.
30. Failure to park or place any vehicle, trailer, or equipment at least three feet behind the sidewalk and nine feet behind curb where no sidewalk exists.

31. Failure to install or maintain any toilet, sink, plumbing, or sewer facility in accordance the applicable international building codes, or regulations of the Weber-Morgan Health Department.
32. Failure to comply with the property maintenance code, which regulates the conditions and maintenance of all property, buildings and structures, such as fences, roofs, siding, and otherwise.
33. Any construction activities on any property without the proper permits.
34. Allowing or keeping any abandoned appliances, furniture, furnishings, or containers outside on any property.
35. Keeping any appliance or device accessible to children that may be airtight and contain a lid, lock, or door device which may not be released from the inside.
36. Failure to keep or maintain landscaping or storm water basin required on an approved site plan.
37. Parking any motor home, fifth-wheel, trailer, water craft, or recreational vehicle property used for residential purposes for more than forty-eight (48) hours. Allow any such vehicle described in this part of park on the public right-of-way or within 3 feet of the sidewalk.
38. To allow any basketball standard, other recreation device, or equipment of any kind to obstruct or interfere with any street, sidewalk, curb, or gutter.
39. To hold, park, keep, operate, maintain, or keep any nuisance vehicle or abandoned vehicle where there is no valid temporary permit.
40. Burning of any kind without a valid burn permit.
41. To permit or cause to keep, deposit, dump, bury, or allow to exist any unsightly or injurious objects, structure, junk, discarded or unused objects or equipment, equipment, noxious weeds, grass over six (6) inches in height.
42. Parking or keeping any commercial vehicle or commercial activity in a residential zone or without a valid site plan in a commercial zone.
43. Operating a business without a valid business license.
44. Overnight parking of any commercial vehicle over 10,000 gross vehicle weight on any city street, sidewalk or municipal property.
45. Keeping or harboring excessive animals, stray animals, or any animals in violation of the municipal code.
46. Overnight parking of any vehicle, trailer, or similar devices on any municipal property, park area, or at any park parking lot. Any other activity that causes a violation of Section 12.06.040 of the municipal code.
47. Failure to keep or maintain landscaping in accordance with Section 17.44.200.(f).

#### HISTORY

<i>Repealed</i>	&	<i>Reenacted</i>	<i>by</i>	<i>Ord. <a href="#">13-01</a> on</i>	<i>1/15/2013</i>
<i>Repealed</i>	&	<i>Reenacted</i>	<i>by</i>	<i>Ord. <a href="#">14-03</a> on</i>	<i>3/19/2014</i>
<i>Repealed</i>	&	<i>Reenacted</i>	<i>by</i>	<i>Ord. <a href="#">14-05</a> on</i>	<i>5/6/2014</i>
<i>Repealed</i>	&	<i>Reenacted</i>	<i>by</i>	<i>Ord. <a href="#">16-02</a> on</i>	<i>4/19/2016</i>
<i>Amended by Ord. <a href="#">18-04</a> on 3/20/2018</i>					