

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, June 27, 2018**

3 **7:00 p.m.**

4  
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,  
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7  
8 **MEMBERS PRESENT**

9 Cheylynn Hayman, Chair

10 Kathy Helgesen

11 Gina Hirst

12 Logan Johnson

13 Becki Wright

14  
15 **MEMBERS ABSENT**

16 Kai Hintze

17 Kevin Daly, Vice Chair

18  
19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director

21 Lisa Romney, City Attorney

22 Cassie Younger, Assistant Planner

23 Avalon Comly, Recording Secretary

24  
25 **STAFF ABSENT**

26  
27 **VISITORS**

28 Interested citizens (see attached sign-in sheet)

29  
30 **PLEDGE OF ALLEGIANCE**

31  
32 **OPENING COMMENT/LEGISLATIVE PRAYER** Chair Hayman

33  
34 **PUBLIC HEARING – CONCEPTUAL SITE PLAN – DAVE ROBERTS**  
35 **OFFICE/STORAGE BUILDING AT 603 SOUTH 800 WEST**

36  
37 Cory Snyder, Community Development Director explained that the applicant received a  
38 conceptual site plan approval in 2010 for the subject property, but the development was not  
39 pursued and the conceptual site plan acceptance expired a year later. The applicant is seeking  
40 to gain acceptance again to develop some flex-use space. The Development Review  
41 Committee has reviewed the plans and deemed the application sufficiently complete in order for  
42 the Commission to consider the conceptual acceptance. Mr. Snyder did mention that in order  
43 for the proposed development to fit with the Community Plan for the area and be synergized  
44 with the retail appearance of the area, there may be some design elements required. Also,  
45 parking would need to be studied further to ensure that it is adequate for the most aggressive  
46 use that may be selected for this flex use building.

47  
48 The applicant, Dave Roberts, declined to speak.

1 Chair Hayman opened the matter for a public hearing at 7:12 p.m. and closed the  
2 hearing, seeing that no one wished to comment.

3  
4 Commissioner Wright asked how the property is zoned, and how this would affect the  
5 application. Mr. Snyder referenced that the area is zoned C-VH, and thus there would be some  
6 commercial retail development aesthetics required in order for the subject property to fit more  
7 with the surrounding community.

8  
9 Commissioner Johnson asked about the part in the General Plan that states that future  
10 commercial development in the area should be for retail type uses, and asked how this would  
11 impact the review of the conceptual site plan. Mr. Snyder clarified that all developments have to  
12 look to the General Plan for design guidelines. In this case there are not strict design guidelines  
13 in the area and the Planning Commissioners will need to decide if the use that has been applied  
14 for would suffice.

15  
16 Commissioner Hirst made a **motion** for the Planning Commission to accept the  
17 conceptual site plan for the Roberts Frontage Road Building, located at 603 South 800 West,  
18 with conditions (1)-(14) below, and for reasons (a) and (b). Commissioner Wright seconded the  
19 motion.

20  
21 Commissioner Johnson commented that he is inclined to vote for approval of the  
22 conceptual plan, but because of the ambiguity in the General Plan he would be inclined to be  
23 more lenient with regard to the required design elements. Chair Hayman asked Commissioner  
24 Johnson if he would like to see any changes in the General Plan to clear up ambiguity. He  
25 expressed he is not inclined to change it.

26  
27 Commissioner Wright commented that she feels that the General Plan should always be  
28 looked to and used as the basis for making long-term planning decisions about developments,  
29 and for this reason she feels that the development should be approved.

30  
31 The motion passed unanimously (5-0).

32  
33 Conditions:

- 34  
35 1. All fees shall be paid.  
36 2. The applicant shall submit a final site plan application meeting the standards found in  
37 Section 12-21-110(e) of the Ordinance.  
38 3. The final site plan shall indicate the exact proposal for the building to be constructed  
39 with regards to:  
40 a. Final building height  
41 b. Final building uses, including percentage of individual uses such as  
42 office/retail and repair/service  
43 c. Provide Building Elevations for final exterior design; including color and  
44 material. The applicant shall address the goals of the General Plan in regard  
45 to desired retail use when designing the building and use of architectural  
46 materials.  
47 4. The site grading plan shall depict the final fill level and how it will be compacted in  
48 preparation for building and parking lot construction.  
49 5. New curb, gutter, and sidewalk along the Frontage Road shall be shown on the final  
50 site plan to be constructed meeting all City standards.  
51 6. The applicant shall coordinate the construction plans with the City Engineer, Public  
52 Works Director, and secondary water provider with regards to bringing adequate

- 1           culinary and secondary water lines to the property, including any fire hydrants
- 2           required by the South Davis Fire Marshal.
- 3           7. The final site plan shall depict all necessary public utility easements with 10 feet
- 4           along the Frontage Road, and seven feet on the other two sides.
- 5           8. A landscaping plan shall be prepared and submitted to City Staff as part of the final
- 6           site plan submittal. This landscaping plan shall address the applicable requirements
- 7           found in Chapter 12-51. The landscaping plans shall include the following:
- 8           a. Percentage of parking lot landscaping
- 9           b. Detail the plant types to be installed
- 10          c. A listing of the total number of trees and shrubs to be found on site
- 11          d. Maintain a clear view around driveways, meeting the criteria in CZC
- 12          12.55.230(a)
- 13          e. 50% of the building/foundation facing the Frontage Road shall be landscaped
- 14          9. Additional dumpster screening detail shall be shown on the final site plan indicating
- 15          height, material and color of the dumpster enclosure.
- 16          10. All roof mounted and wall mounted equipment shall be properly screened from view
- 17          from a public street and is to be shown on the final site plan.
- 18          11. A lighting plan shall be provided with the final site plan.
- 19          12. Proposed signage type shall be depicted on the final site plan, meeting the criteria
- 20          found in Chapter 12-54 of the Zoning Ordinance.
- 21          13. The final site plan shall depict detail regarding the onsite billboard including, height,
- 22          size, distance from the property lines and building
- 23          14. All required Utility Provider sheets and a current title report shall be submitted as part
- 24          of the final site plan application submittal.

Reasons for the Action:

- 25
- 26
- 27
- 28          (a) The Planning Commission finds that the applicant has clearly shown how the
- 29          property may be developed [see CZC 12.21.110.d.2].
- 30          (b) The Planning Commission finds that with the acceptance directives, the applicant
- 31          may proceed to prepare and submit a final site plan application [see CZC 12.21.110].
- 32

**PUBLIC HEARING – PARKING MODIFICATION – FAKTORY OFFICE BUILDING –  
704 W PORTER LANE**

33

34

35

36           Cassie Younger, Assistant Planner, explained that Faktory, an advertising agency,

37           previously shared the office building with All Seasons Pool & Spa but that All Seasons has

38           relocated and Faktory would like to occupy the entire building. The entire building would then

39           be an office building and for the square footage of the building, 46 parking stalls would normally

40           be required. The building currently only has 33 stalls, and Faktory does not wish to expand the

41           amount of parking on the property. Faktory had a professional parking study conducted and it

42           showed that within 2-3 years they would still only be in a deficit of 3 parking spaces, if they

43           remained at the 33 stalls that are currently available. The applicant has said that they would

44           incentivize carpooling, alternate modes of transportation and create flex scheduling to ensure

45           that not all of the parking spaces would need to be utilized at once. In the event that the 3 extra

46           stalls are needed, the owner of the property next door has agreed to enter into a shared parking

47           agreement for those 3 stalls. As such, Staff recommends approval of the parking modification

48           for Faktory Office Building.

49

50           Chair Hayman asked whether the requested parking modification is user-specific, so that

51           if the nature of the building or its ownership were to change, parking could be re-addressed.

52           Ms. Younger replied that this parking modification would be user-specific.

1 Commissioner Johnson asked where condition 4 (below) came from, and Ms. Younger  
2 said this was something that the applicant had included in their parking study, although it is not  
3 really enforceable.

4  
5 Chair Hayman asked why we require 5 parking spaces per 1,000 s.f. for office uses and  
6 continuously require applicants to request parking modifications, when many cities in the area  
7 only require 4 parking spaces per 1,000 s.f. Mr. Snyder replied that he agrees that in certain  
8 circumstances 5 parking spaces per 1,000 s.f. is more than is really required, but that the 5  
9 spaces per 1,000 s.f. requirement was historically an attempt to address parking issues on Main  
10 Street. He explained that it would be hard to change the parking requirements for office uses, as  
11 there are different types of office uses that may require upwards of 5 parking spaces per 1,000  
12 s.f., such as medical offices, and others that would likely require less than 4 parking spaces per  
13 1,000 s.f. Mr. Snyder suggested ways to reevaluate the parking requirements by type of office  
14 use, and Chair Hayman replied that she would like to work on clarifying these parking  
15 requirements.

16  
17 Brian Markham, one of the 2 owners of Faktory, addressed the Planning Commission.  
18 He said that very few clients ever visit the office, and that the parking would only be used for  
19 employees. He also said that there are not currently 37 employees and it would take several  
20 years to get to that point and be in need of the 3 additional parking spaces.

21  
22 Chair Hayman asked the applicant how they plan to incentivize employees to utilize  
23 alternative forms of transportation to get to work. Applicant responded that there are many  
24 employees who live close to Faktory, so they are looking at adding bike racks. He also said  
25 they have asked their controller to find ways that they can provide bus transportation, or  
26 FrontRunner vouchers for employees to utilize public transit. Chair Hayman expressed that she  
27 feels this is very commendable.

28  
29 Chair Hayman opened the matter for public hearing at 7:31 p.m., and closed the hearing  
30 seeing that no one wished to comment.

31  
32 Commissioner Wright made a **motion** for the Planning Commission to approve the  
33 Parking Modification for Faktory Office Building at 704 W Porter Lane with conditions (1)-(4) and  
34 reasons for action (1)-(3) below, Commissioner Helgesen seconded the motion, which passed  
35 unanimously (5-0).

36  
37 Conditions:

- 38  
39 1. This modification is only for Faktory, Inc, and is not transferable to another location  
40 or another user at this location.  
41 2. This site shall maintain all 33 current parking stalls and not go below this number of  
42 parking stalls on site.  
43 3. The employee count shall not exceed 37; if so, as based upon the Business License  
44 renewed annually, this Parking Modification must revert back to the Planning  
45 Commission.  
46 4. Faktory leadership shall incentivize alternative forms of transportation such as bike,  
47 bus, walking, carpooling, and working from home in any way possible.

48  
49 Reasons for action:

- 50  
51 1. A parking modification is permitted with approval from the Planning Commission  
52 based on a parking study [12.52.110(e)(2)]

2. Parking study has been used to calculate parking demand based on the recommendations from the ITE [12.55.110]
3. Faktory has stated they will provide incentives for public transportation, biking, and working from home, in order to satisfy transportation alternative options, as allowed for Office uses, as stated in 12.52.110(c)(5)-(6)

Commissioner Wright expressed that she would like to address parking requirements for office spaces in a future meeting. Chair Hayman agreed and requested that staff add that item to a future agenda.

**PUBLIC HEARING – ZONING TEXT AMENDMENT – CZC 12.55.110 – FENCE AND WALL HEIGHTS**

Mr. Snyder explained that the City Council remanded this matter back to the Planning Commission to reconsider the recommendation, with direction to staff to add language to incorporate buffering between agricultural, residential, and commercial zones through physical barriers. Mr. Snyder presented summaries of previous conflicts between land use zoning districts. He said that although typically the more intense zone is required to provide a buffer next to a lower intensity zone district, there are cases where the buffer is missing. Therefore Planning Staff believes that an adjacent owner in a lower intensity zone should have the option to construct a substitute buffer to a higher intensity zone, if the standard regulatory buffer is missing. Staff recommends only approving 8-foot fences, as a buffering element, as a zone district boundary between two differing zones, when and where the higher intensity zone is missing the buffering element or between any A-L and R-L Zone boundary. Mr. Snyder also explained that in the proposed text amendment, where utility easements are present, the “permitted use” request would comply with CZC 12.55.100 Easements.

Commissioner Helgesen asked for clarification on which situations the 8-foot fence would be allowed. Mr. Snyder responded it would only be for a buffer on a property line between zones, when one zone is high intensity and the other is low intensity, or between any A-L and R-L Zone boundary. Commissioner Helgesen asked for clarification about whether a buffer is currently required between A-L and R-L zones during new construction. Mr. Snyder said there is no buffer required currently between low-intensity zones.

Chair Hayman reviewed the examples of previous conflicts between land use districts and pointed out that these previous conflicts involved noise, odors, parking and secondary access for fire services, which do not appear to be conflicts that would have been addressed by adding an additional 2 feet of fence between the properties. Chair Hayman asked Mr. Snyder if he could think of any issues over the last 15 years that arose between land use districts, that could have been addressed by an additional 2 feet of fence height. Mr. Snyder responded that he cannot recall any other issues in which the added 2 feet of fence height would have been considered a mitigating factor in a dispute between properties in different land use districts. He did mention that the 2 feet of fence may address the issue brought up in an open session of the City Council in which an owner of a property zoned R-L was dealing with a neighbor’s horse from an A-L property putting its head over her fence.

Chair Hayman opened a public hearing at 8:00 p.m.

Andrea Richmond- Ms. Richmond, resident of 237 Windsor Lane, said she has lived in her home for 26 years and although the neighboring property is zoned agricultural, there have never been animals living there in the time that she has resided in her home. She now has a neighbor that has a horse that is encroaching into her backyard because her 6-foot fence is too low. She believes an additional 2 feet of fence would help her to be able to use her backyard,

1 and not have to see what the animals do in the neighbor's backyard, or have the horse  
2 encroaching into her backyard. She also feels it would be helpful for her family who have  
3 asthma brought on by horses to not have the horses head coming over her fence. She  
4 expressed that at this time she is not even able to use her backyard any longer.

5  
6 Chair Hayman closed the public hearing at 8:02 p.m. seeing that no one else wished to  
7 comment.

8  
9 Chair Hayman said that she understands the concern that Ms. Richmond has raised with  
10 regard to her particular property, but expressed her own concerns with making this amendment  
11 to an entire citywide zoning ordinance, just to address one isolated case. She expressed that  
12 the City has gone decades without needing to add additional height to fences to address issues  
13 of this nature, and questioned whether an additional 2 feet of fence height would really address  
14 the concerns that Ms. Richmond raised, with regards to horse dander, odor, and noises. Chair  
15 Hayman also expressed serious concerns that this amendment would allow for patchwork  
16 fencing throughout the City, and said that she worries if this amendment is adopted now and a  
17 future City Council decided they do not like the look of the patchwork fencing, there would be no  
18 way to go back and change what has already been done to the community. She said she  
19 appreciates that the City Council is trying to address resident's concerns, but encouraged those  
20 residents to look at alternative avenues to address those concerns, such as planting trees or  
21 shrubbery, or talking to neighbors to see if they would be willing to plant trees on their side of  
22 the fence.

23  
24 Commissioner Wright agreed with Chair Hayman that it is difficult to make a blanket  
25 change to address an isolated incident. She inquired if there is a way for an individual citizen to  
26 make a request due to a demonstrated nuisance on a case-by-case basis, similar to a CUP,  
27 instead of completely changing the full ordinance. Mr. Snyder said there is not something that  
28 he is aware of. The closest thing he is aware of is allowing a higher height of an accessory  
29 building in an agricultural zone using a CUP, but this is something that is available for every  
30 person in an agricultural zone to apply for, and not something that would be decided on an  
31 individual basis. He said that nuisances are addressed in a municipal code – for instance,  
32 although an animal is not considered a nuisance on an agricultural property, if an owner is not  
33 cleaning up after an animal, which is creating a breeding ground for pests, the mess would be  
34 considered a nuisance, and the City could require some remedy. The remedy for the nuisance  
35 would not require a buffer or Ordinance change, however. In the above example it would  
36 require cleaning up after the animal.

37  
38 Chair Hayman said that if a property is located next to an A-L zone, the owner should  
39 expect that the A-L zoned property might be used for the purposes that it is zoned for, including  
40 housing animals and other livestock. She expressed concerns again about making a change to  
41 the entire City Code as a mechanism for resolving an individual property owner's issue.

42  
43 Ms. Younger asked if a nuisance animal could be an appropriate use for a variance. Mr.  
44 Snyder said that variances are really used to address situations where a property owner wishes  
45 to exercise land use right, but is being compromised or denied from using the right of their zone  
46 to its full extent, and in a way that everyone else can enjoy. This situation would not apply as  
47 the resident still has the full use of her property, but is upset with what her neighbor is doing.

48  
49 Commissioner Wright asked about whether the use of the property having recently  
50 changed, would require the person who has changed the use to create a buffer. For instance,  
51 although the property is zoned A-L, it has never been used to house animals. Now the neighbor  
52 has moved animals onto the property, effectively changing the practical use of the property.  
53 Mr. Snyder said that in this case the agricultural use has been a right all this time because the

1 property has been zoned A-L, and even though the previous owner did not use it for that  
2 purpose, the use cannot be considered to have changed.  
3

4 Commissioner Johnson encouraged the Planning Commission to adopt the changes that  
5 staff has recommended and expressed that he would not even limit this amendment to  
6 boundaries between two differing zones where the higher intensity zone is missing the buffering  
7 element or between any A-L and R-L Zone boundary. He expressed that he would like to give  
8 all property owners the right to build a taller fence if they wish to. He said he understands the  
9 concern about patchwork fencing, but feels that possibility exists as the Ordinance currently  
10 stands, since residents are not required to have 6-foot fences and so there could be differing  
11 fence heights between neighbors already. Chair Hayman asked if Commissioner Johnson had  
12 concerns that given the trend is toward smaller lots, allowing taller fence heights might change  
13 the character of the community and make it more difficult for citizens to use their lots when it  
14 comes to shade. Commissioner Johnson said that he could see that being a concern, but feels  
15 the force of law could be an inappropriate tool to mitigate those issues. Chair Hayman said that  
16 historically Centerville has had 6-foot fences without any problems, and asked where  
17 Commissioner Johnson would draw the line on fence heights. She also asked what the  
18 compelling need is in Commissioner Johnson's mind to grant more rights to property owners  
19 with regard to fencing. Commissioner Johnson said that he could see certain fence heights  
20 significantly impacting a neighbor's ability to fully enjoy the use of their property, but he does  
21 feel that there could be a legitimate reason to move from a 6-foot fence to an 8-foot fence  
22 because of the height of the average person increasing (he used, as an example, his height of  
23 6'3" and said that he can see over 6-foot fences). He cannot see moving much beyond 8 feet at  
24 this time. Chair Hayman asked Commissioner Johnson if he is aware of any other residential  
25 community that allows 8-foot fences. Commissioner Johnson responded that he is not aware of  
26 any other residential communities that allow 8-foot fences.  
27

28 Commissioner Helgesen asked for clarification on when a permit would be required for a  
29 fence. Mr. Snyder responded that the Building Code does not require a permit for a fence under  
30 7 feet in height.  
31

32 Chair Hayman expressed she will vote against the zoning text amendment, and  
33 encouraged the City Council to examine whether there have been historical problems that could  
34 have been addressed by adding the 2-foot fence height, and if so, to what degree. She stated  
35 that this has not been a historical problem that has come up over and over again, and appears  
36 to involve potentially 2 isolated incidences. She asked the City Council to consider if it is  
37 appropriate to address an isolated concern by changing the Zoning Text for the entire  
38 community. She expressed again her concerns about creating a patchwork community and  
39 encouraged property owners to find other solutions to resolve their concerns.  
40

41 Commissioner Wright said that she is comfortable with the zoning text amendment as  
42 long as it does not include allowing a buffer between A-L and R-L Zones, which are the same  
43 intensity. She feels it would be nice for buffers to be created between a higher intensity and  
44 lower intensity zone where they would now be required anyway in new construction. She likes  
45 that this allows property owners that find themselves in situations where there is no buffer  
46 between their property and a neighboring higher intensity zone to "fix" this issue and add the  
47 buffer if they wish. She is not inclined to allow fencing between same intensity zones however,  
48 and expressed that there may be ways to address problems between same intensity zones that  
49 do not require changing the zoning text, like adding trees or talking with neighbors to reach a  
50 resolution, or perhaps using legal means to solve nuisance issues.  
51

52 Commissioner Helgesen said she is in complete agreement with Chair Hayman and  
53 expressed that while she is sympathetic to Ms. Richmond's issue, she is not sure how adding 2

1 feet of fence height would resolve Ms. Richmond's issues in any way that could not be resolved  
 2 by adding shrubbery for instance.

3  
 4 Commissioner Hirst expressed that like Commissioner Wright, she is comfortable with  
 5 the zoning text amendment without the buffer being allowed between A-L and R-L Zones, as  
 6 this provides an opportunity for those who are in a situation where a buffer would be in place  
 7 under current law, to remedy this omission and add the buffer if they choose.

8  
 9 Chair Hayman made a **motion** to recommend NOT changing the current state of the  
 10 Zoning Text for reasons previously articulated. Commissioner Helgesen seconded the motion.  
 11 Motion failed (2-3) with Commissioners Wright, Hirst and Johnson dissenting.

12  
 13 Commissioner Wright made a **motion** to recommend approval of the suggested zoning  
 14 text amendment as shown underlined, without allowing for 8-foot fences between A-L and R-L  
 15 Zones (struck through as shown), for reasons (a)-(d). Commissioner Hirst seconded the  
 16 motion.

17  
 18 12.55.110 Fences and Walls

19  
 20 (a) Height of Fences and Walls. No fence, wall or other similar structure exceeding six  
 21 feet in height shall be erected in any rear or side yard except for accessory buildings  
 22 and structures permitted by this Title, except as provided below.

23 1. When a difference in grade exists on either side of a fence or wall, the height  
 24 of the fence or wall shall be measured from:

25 (A) The average elevation of the finished grade of adjoining properties at  
 26 the fence line; or

27 (B) If excavated or filled, the native elevation.

28 2. No fence need be less than 48 inches in height.

29 3. The Planning Commission may approve a fence, wall or similar structure not  
 30 to exceed 10 feet in a rear area or side yard in the A-M, R-M, R-H, C-M, C-H,  
 31 C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of a site plan  
 32 review, or amended site plan, with the findings by the Planning Commission  
 33 that is to be a benefit to the surrounding properties and/or help to buffer the  
 34 use, and is in the City's best interest.

35 4. The Zoning Administrator may approve a fence, wall or similar structure not  
 36 to exceed a height of 8-feet, as a buffering element, where a differing zone  
 37 district boundary is present. Such fence shall be subject to the following:

38 (A) A "permitted use" application shall be submitted to the City for any  
 39 fence higher than 6 feet.

40 (B) The increased height placement shall be limited to placement or  
 41 location along a zone district boundary between two differing zones,  
 42 when and where the higher intensity zone is missing the buffering  
 43 element of CZC 12.51.070 or between any A-L and R-L Zone  
 44 Boundary.

45 (C) In no case shall the increased height be placed, located, or extended  
 46 into any front yard or street side yard setback requirement of any  
 47 zone.

48 (D) Where utility easements are present, the "permitted use" request shall  
 49 comply with CZC 12.55.100 Easements.

50 (E) All fencing above 6-feet in height shall comply with any or all  
 51 applicable building code regulations and/or shall meet the adopted  
 52 applicable wind loading regulations.



- 1                   5. South side of Porter Lane, from 400 West to Main Street. For all legally  
 2                   approved rear yard fronting lots along the creek channel, the fence height  
 3                   shall not exceed eight feet in height along the rear yard lot line.  
 4           (b) Fences in Front Yard and Street Side Yard. No fence or wall or other similar  
 5           structure exceeding 48 inches in height shall be erected within a front yard or a street  
 6           side yard.

7  
 8           Findings to Recommend Approval:

- 9  
 10           (a) The Planning Commission finds that the proposed amendment does not conflict with  
 11           the policies of the City's General Plan.  
 12           (b) The Planning Commission finds that the fence height buffering increases privacy for  
 13           lower intensity zones, where the standard required buffer of the higher intensity is  
 14           missing.  
 15           (c) The Planning Commission finds that fence buffer between the A-L and R-L Zoning  
 16           Districts improves buffering from adjacent potential intrusive A-L uses (e.g. large  
 17           farm animals, noise, visual aesthetics, etc.)  
 18           (d) The Planning Commission finds that a higher fence is an optional screening element  
 19           to the use of vegetation and plantings, which can be more intrusive (e.g. tree limbs  
 20           hanging over property lines) in small side yard/rear yard setback areas of residential  
 21           style development.  
 22

23           Commissioner Wright asked if the Commissioners felt that addressing the problem of not  
 24           having buffers between higher and lower intensity zones, which are currently in place in new  
 25           construction, was not worth addressing. Chair Hayman said there is no evidence that this has  
 26           been a problem at all and does not wish to change the zoning text to address a problem that  
 27           does not exist. Commissioner Helgesen asked how removing the wording about allowing added  
 28           fence height between A-L and R-L Zones would remedy Ms. Richmond's issue with the horse,  
 29           which is why this Zoning Text Amendment was proposed. Lisa Romney, City Attorney, asked for  
 30           clarification on whether Commissioner Wright intended to *allow* or *prohibit* added fence height  
 31           between A-L and R-L zones. Commissioner Wright said her intent was to prohibit added fence  
 32           height between A-L and R-L zones, because currently there is a buffer being required between  
 33           higher and lower intensity zones in new construction and therefore property owners should be  
 34           allowed to add buffers that are missing between these zones. Chair Hayman expressed again  
 35           that there are no citizens currently complaining about missing buffers between higher and lower  
 36           intensity zones, and questions why City Ordinances should change to resolve a problem that  
 37           has yet to be raised. Commissioner Wright explained that she feels passing the zoning  
 38           amendment without the verbiage about allowing taller fencing between A-L and R-L Zones,  
 39           would create consistency in the City, as it would allow citizens missing buffers between  
 40           properties of higher and lower intensities to have the same rights to a buffer that others with  
 41           newer properties currently enjoy.  
 42

43           Chair Hayman asked if the City currently allows, as a buffer, a property owner to erect  
 44           an 8-foot fence between their property and a new higher intensity property that is being  
 45           constructed. Mr. Snyder pointed the Commissioners to 12.55.110.3 which allows the Planning  
 46           Commission to approve a "fence, wall or similar structure not to exceed 10 feet in a rear or side  
 47           yard area in the A-M, R-M, R-H, C-M, C-H, C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones  
 48           as part of a site plan review, or amended site plan, with the findings by the Planning  
 49           Commission that is to be a benefit to the surrounding properties and/or help to buffer the use,  
 50           and is in the City's best interest." Mr. Snyder explained that a CUP would be required to go to a  
 51           10-foot fence or wall, and this new amendment would allow residents to go to an 8-foot fence as  
 52           a permitted use, without obtaining a CUP, and would also allow A-L and R-L Zones to construct  
 53           a buffer between them, which are not currently included in 12.55.110.3. Chair Hayman raised

1 concerns about changing 8-foot fences to Permitted Uses, rather than Conditional Uses. Mr.  
2 Snyder clarified that currently, as 12.55.110.3 is written, the property owner in the lower  
3 intensity property cannot come and asked for a CUP, it has to be the owner of the higher  
4 intensity property that applies for the CUP. This is why staff added the proposed text to allow  
5 property owners in lower intensity zones to erect 8-foot fences as a buffer between a higher  
6 intensity zone. Commissioner Wright asked about whether language could be added to make a  
7 CUP permit required to install the 8-foot fence between higher and lower intensity zones, rather  
8 than allowing it as a permitted use. Mr. Snyder said that the CUP process is a mitigating  
9 approval, so this would not apply from lower intensity zones to higher intensity zones, and if the  
10 higher intensity zone is going to apply for the CUP approval anyway, then they can do that  
11 under 12.55.110.3 as the Zoning Text is currently written.  
12

13 Ms. Romney suggested a change to the wording of the proposed 12.55.110.4.(B) as  
14 follows: "The increased height placement shall be limited to placement or location along a zone  
15 district boundary between two differing zones, when and where there is a difference in zone  
16 intensity and the higher intensity zone is missing the buffering element of CZC 12.51.070 . . . "  
17

18 Commissioner Hirst expressed that she is in favor of allowing people in lower intensity  
19 zones to create a buffer between their property and a neighboring higher intensity property if  
20 that buffer is missing. But she also expressed that she, like Chair Hayman, wonders why a  
21 change to the Zoning Text is required if there has been no one who has come forward and  
22 expressed that they have this issue.  
23

24 Commissioner Wright made a **motion** to amend her previous motion to change the  
25 wording of 12.55.110.4.(B) as suggested by Lisa Romney (shown underlined below), and for  
26 reasons (a), (b) and (d) only (reason (c) is struck through below). Commissioner Johnson  
27 seconded the amendment, which passed (3-2) with Chair Hayman and Commissioner Helgesen  
28 dissenting.  
29

### 30 12.55.110 Fences and Walls

- 31
- 32 (c) Height of Fences and Walls. No fence, wall or other similar structure exceeding six  
33 feet in height shall be erected in any rear or side yard except for accessory buildings  
34 and structures permitted by this Title, except as provided below.
- 35 1. When a difference in grade exists on either side of a fence or wall, the height  
36 of the fence or wall shall be measured from:
    - 37 (A) The average elevation of the finished grade of adjoining properties at  
38 the fence line; or
    - 39 (B) If excavated or filled, the native elevation.
  - 40 2. No fence need be less than 48 inches in height.
  - 41 3. The Planning Commission may approve a fence, wall or similar structure not  
42 to exceed 10 feet in a rear area or side yard in the A-M, R-M, R-H, C-M, C-H,  
43 C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of a site plan  
44 review, or amended site plan, with the findings by the Planning Commission  
45 that is to be a benefit to the surrounding properties and/or help to buffer the  
46 use, and is in the City's best interest.
  - 47 4. The Zoning Administrator may approve a fence, wall or similar structure not  
48 to exceed a height of 8-feet, as a buffering element, where a differing zone  
49 district boundary is present. Such fence shall be subject to the following:
    - 50 (A) A "permitted use" application shall be submitted to the City for any  
51 fence higher than 6 feet.
    - 52 (B) The increased height placement shall be limited to placement or  
53 location along a zone district boundary between two differing zones,

1 when and where there is a difference in zone intensity and the higher  
2 intensity zone is missing the buffering element of CZC 12.51.070 ~~or~~  
3 ~~between any A-L and R-L Zone Boundary.~~

4 (C) In no case shall the increased height be placed, located, or extended  
5 into any front yard or street side yard setback requirement of any  
6 zone.

7 (D) Where utility easements are present, the "permitted use" request shall  
8 comply with CZC 12.55.100 Easements.

9 (E) All fencing above 6-feet in height shall comply with any or all  
10 applicable building code regulations and/or shall meet the adopted  
11 applicable wind loading regulations.

12 (F) South side of Porter Lane, from 400 West to Main Street. For all  
13 legally approved rear yard fronting lots along the creek channel, the  
14 fence height shall not exceed eight feet in height along the rear yard  
15 lot line.

16 (G) Fences in Front Yard and Street Side Yard. No fence or wall or other  
17 similar structure exceeding 48 inches in height shall be erected within  
18 a front yard or a street side yard.

19  
20 Findings to Recommend Approval:

21  
22 (a) The Planning Commission finds that the proposed amendment does not conflict with  
23 the policies of the City's General Plan.

24 (b) The Planning Commission finds that the fence height buffering increases privacy for  
25 lower intensity zones, where the standard required buffer of the higher intensity is  
26 missing.

27 ~~(c) The Planning Commission finds that fence buffer between the A-L and R-L Zoning~~  
28 ~~Districts improves buffering from adjacent potential intrusive A-L uses (e.g. large~~  
29 ~~farm animals, noise, visual aesthetics, etc.)~~

30 (d) The Planning Commission finds that a higher fence is an optional screening element  
31 to the use of vegetation and plantings, which can be more intrusive (e.g. tree limbs  
32 hanging over property lines) in small side yard/rear yard setback areas of residential  
33 style development.

34  
35 The amended motion was then voted upon and the motion failed, (2-3) with Chair  
36 Hayman and Commissioners Wright and Helgesen dissenting.

37  
38 Chair Hayman again made a **motion** to recommend NOT changing the current state of  
39 the Zoning Text for reasons previously articulated. Commissioner Johnson seconded the  
40 motion. Motion passed (3-2) with Commissioners Wright and Johnson dissenting.  
41 Commissioner Wright explained that she ultimately voted against the motion because she did  
42 not want permitted 8-foot fences where there are currently 10-foot fences with a CUP process in  
43 place.

44  
45 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

46  
47 The next Planning Commission meeting is scheduled for July 11, 2018.

48  
49 Mr. Snyder reviewed upcoming items that will be addressed at the next Planning  
50 Commission.

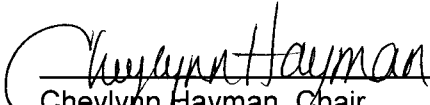
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**MINUTES REVIEW AND ACCEPTANCE**

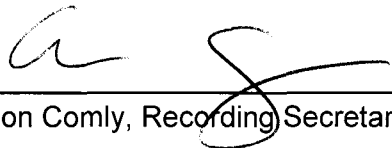
The minutes of the June 13<sup>th</sup> meeting were reviewed and amendments suggested. Commissioner Helgesen made a **motion** to accept the minutes as amended. Commissioner Wright seconded the motion which passed by unanimous vote (5-0).

**ADJOURNMENT**

At 9:01 p.m. Chair Hayman made a **motion** to adjourn. Commissioner Johnson seconded the motion which passed unanimously (5-0).

  
\_\_\_\_\_  
Cheylynn Hayman, Chair

  
\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Avalon Comly, Recording Secretary

