Administrative Offices
4600 So. Weber River Drive
Riverdale, Utah 84405

Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **October 23, 2007** at 6:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present:

Don Farr, Chairman
David Gailey, Member
Don Hunt, Member
Allen Miller, Member
Norm Searle, Member

Members Excused:

Bart Stevens, Member
Kathy Tanner, Member

Others Present:

Randy Daily, Community Development Director
Jeff Woody, City Inspector
Marie Alvord, Planning Commission Secretary
Approximately four (4) Citizens

1. CALL TO ORDER

Chairman Farr called the meeting to order and welcomed all those in attendance. He acknowledged that Commissioner Tanner and Commissioner Stevens were excused and all other members were present.

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES

Comments and changes were requested in the preplanning meeting.

Motion: Commissioner Hunt moved to approve the Preplanning and Regular meeting minutes of October 09, 2007 with corrections noted and waive the reading of the minutes. Commissioner Miller seconded the motion.

Call the Question:

The motion passed unanimously.

Chairman Farr noted that all three public hearings have been properly noticed in the newspaper and all other required postings have been done.

3. PUBLIC HEARING – PROPOSED AMENDMENTS TO TITLE 10: ZONING AND SUBDIVISION REGULATIONS, SPECIFICALLY 10-14-7: FENCE HEIGHT; OBSTRUCTION OF VIEW.

Chairman Farr requested Mr. Daily to present the proposed amendments prior to the public hearing. Mr. Daily noted that the current ordinance was adopted on the premise that the fencing is a safety hazard to vehicles backing out of a driveway. The City's risk management agency, URMA has indicated that fencing on private property is not a safety hazard but the hazard is in the dedicated road and corner site triangle area. City staff

proposes to amend the ordinance to further define the sight-triangle, allow 6 ft fencing on corner lots up to 1 ft off the property line, and allow solid 4 ft fencing. He said fence permits will still be required and all updated information on the fence ordinance will be available on the City's website with diagrams. These amendments will allow property owners to utilize more of their yard and facilitate better maintenance of the yard.

Chairman Farr opened the public hearing.

Judie Johnson, 4343 South 800 West: In favor of the amendments to the Fence Ordinance to allow the 6 ft privacy fence. She has dogs that are taunted by neighbor children and there is no privacy in her yard. She requested to be allowed a 6 ft privacy fence.

Cory Conlin, 4024 South 900 West: In favor of the amendments to the Fence Ordinance. His property is a corner lot in a cul-de-sac and requests to finish the fencing around his yard starting from his neighbor's existing fence that is 1 ft off the property line.

Emily Frandsen, 996 West 4400 South: In favor of the amendments to the Fence Ordinance. Pictures (Attachment A) and letter (Attachment B) were submitted; please see attachments to review comments.

Stacey Haws, 4262 South 800 West: Opposed to the amendments of the Fence Ordinance. Mr. Haws noted he is speaking for his own personal feelings and not as a City Council member. He pointed out that corner lots have more restrictions than other lots, such as setback requirements and noted that this has no safety issues but done for aesthetic purposes to give a uniform feel to the community. In his opinion, when a 6 ft fence is allowed to the sidewalk it changes that setback for that street. Noting that one lot's front yard is the corner lot's side yard and in allowing the corner lot to bring a 6 ft fence to the sidewalk and the lot next to it can only have a 4 ft fence to the sidewalk it takes away the uniformity of the street. The problem with the change is it allows one person to do something and prohibits the same action to another. In his opinion, a solid wall of fencing along the road way is not something that is appealing in a development and against good planning.

Emily Frandsen, 996 West 4400 South: Requested to readdress the Planning Commission. Stated that she forgot to inform the Planning Commission that the desired fence would be 85 ft from the corner and not have any sight triangle issues and the closest neighbor's driveway would be 65 ft from the fence.

Laren George: 774 West 4400 South: In favor of the amendments to the Fence Ordinance. Mr. George noted that he is speaking in behalf of his mother, Mrs. George. He said the current ordinance with the 10 ft setback requirement would place a fence in the middle of the existing driveway and garage. There is an existing fence on the property but it is about 65 years old and needs to be replaced. He requested the ability to replace the existing fence at 1 ft to 1 ½ ft off the property line.

Judie Johnson: 4343 South 800 West: Requested to readdress the Planning Commission. Failed to mention that the home was built in the 1960's and is fully landscaped, to place the fence with the current ordinance she would have to replace sprinkling system and landscaping. She requested the Planning Commission to take into consideration further hardships.

Motion:
Commissioner Miller moved to close the public hearing. Commissioner Gailey seconded the motion.

Call the Question:
The motion passed unanimously.

4. CONSIDERATION AND RECOMMENDATION OF PROPOSED AMENDMENTS TO TITLE 10: ZONING AND SUBDIVISION REGULATIONS, SPECIFICALLY 10-14-7: FENCE HEIGHT, OBSTRUCTION OF VIEW.

Commissioner Miller reviewed the history of the current ordinance and noted that he bought a corner lot and followed the previous fence ordinance. He noted that he likes the idea of allowing a 6 ft fence on corner lots and proposed to remove the stipulation of 1 ft off the property line and allow the fence to be placed right up against the sidewalk, it is easier to maintain and looks better. Commissioner Hunt noted that the Planning Commission has heard about safety and aesthetics aspects pertaining to the ordinance and asked if there were any statistics where safety has been compromised. Mr. Daily indicated that neither the police nor he knows of any instances where a child has been hit by a vehicle due to a fence. He continued to clarify that the sight triangle has been extended to include to the edge of the street and the park strip area. He noted Councilor Haw's concern about fence height and said that it is a matter of taste, which is subjective to each person's opinion. Mr. Daily said he has spoke with other cities and they too have the same problems Riverdale City faces. He noted that the code enforcement for those cities agree that they wish that their City Council was more receptive to the needs of the community and more open to allow certain fencing. It was noted that commercial fencing is not restricted like residential and City staff is looking for something that is friendlier in allowing the residents to utilize as much as their property that they can. Commissioner Searle stated he is not in favor of the solid 4 ft fence, noting that it may be a safety issue. He also said in his opinion aesthetically the 75% open 4 ft fence looks better. Commissioner Gailey noted that he lives on a corner lot and has a pole fence and does not have a problem with children or grandchildren crossing the fence creating a safety issue. He stated that fencing is for the family and each individual will prefer a different type of fence therefore, they should get a permit from the City and discuss what type of fence would best suit the individual lot. He noted the purpose of the ordinance is "to ensure adequate light, air, and public safety." In Commissioner Gailey's opinion, the amendments to the fence ordinance are for the better.

Motion: Commissioner Miller moved to send a positive recommendation to the City Council for the amendments to the fence ordinance, with the exception of allowing the fence one (1) foot off the sidewalk (change to allow fence right at sidewalk) and a solid four (4) foot fence (fence must be open not solid). Commissioner Searle seconded the motion.

Call the Question:
The motion passed unanimously.

5. PUBLIC HEARING – PROPOSED AMENDMENTS TO THE GENERAL PLAN.

Mr. Daily reviewed the proposed the amended dialogue to area four of the General Plan. He noted that the changes reflect what currently exists in the area, mix of natural habitat, open space, trail system, Kayak Park, and the recommendation to the Planning Commission to designate the Colton Property as a PRUD area. Mr. Daily noted that the PRUD area would be a great buffer between the houses in the Rivervalley #9 Subdivision and Riverside Mobile Home Park. Chairman Farr opened the Public Hearing.

Judie Johnson, 4343 South 800 West: Mrs. Johnson asked clarification on the location of the amendments. Mr. Daily reviewed the location. She continued to ask what has been proposed for the land south of City Hall, where the disc golf park exists. Mr. Daily noted a portion of the land is Riverdale City's and the majority of the land is the Unity property and is planned as a mixed use. Mrs. Johnson asked if the mixed use is for commercial and residential. Mr. Daily said it is zoned for commercial and residential but no detailed site plans have been submitted.

Stacey Haws, 4262 South 800 West: Mr. Haws noted he is speaking for his own personal opinion and not as a City Council member. He said he was unclear on the notification requirements for a General Plan change and noted that if more residents have been aware of the proposed change they would have attended the meeting. His concern was with a PRUD area so close to a higher valued area of the City. Mr. Daily reminded Mr. Haws

that the General Plan is a fluid document and is conceptual only; the zoning on the property will not change. Mr. Haws said that a change in the General Plan is a precursor to a rezone.

Motion: Commissioner Searle moved to close the Public Hearing. Commissioner Miller seconded the motion.

Call the Question:
The motion passed unanimously.

6. CONSIDERATION AND RECOMMENDATION OF PROPOSED AMENDMENTS TO THE GENERAL PLAN

Commissioner Searle asked if, the General Plan was changed and amended to allow for the PRUD, there is any other purpose that the land could be used. Mr. Daily noted the property owner would be responsible for requesting the use or change in use. He continued to state that the land is currently zoned R-2 and it is not likely that the City would permit a two-family apartment type development in this area of the City. He said the property is City owned and the City is requesting the proposed use and reminded the Planning Commission that they are not reviewing the change of a zone, just amending the General Plan. Mr. Daily noted that if the Planning Commission feels the PRUD area is inappropriate they may make a negative recommendation to the City Council. Chairman Farr asked why this property was not discussed previously as a possible PRUD area. Mr. Daily noted the area was not discussed because it is City Owned and all other locations discussed were proposed by a previous City Planner, himself, and the Planning Commission. He said that the City Attorney recommended that the City wait to designate PRUD areas in the General Plan until after the property owners approached the City about the change.

General discussion was held on the property size, surrounding area, and possible rezone. Mr. Daily noted that it may be a prelude to certain zone requests but said the underlying zone on this proposal will remain intact. He said the Planning Commission is reviewing to amend the General Plan as a concept but this action does not give approval for what that concept will look like.

Motion: Commission Hunt moved to recommend to the City Council to adopt the new dialogue and map to the General Plan. Commissioner Miller seconded the motion.

Roll Call Vote: Commissioner Gailey, yes; Commissioner Miller, yes; Commissioner Searle, no; Commissioner Hunt, yes; Chairman Farr, yes; Commissioner Tanner, excused; Commissioner Stevens, excused.

Call the Question:
The motion passed with four members in favor and one opposed.

7. PUBLIC HEARING – PROPOSED AMENDMENTS TO TITLE 10: ZONING AND SUBDIVISION REGULATIONS, SPECIFICALLY 10-25-7: IMPROVEMENTS.

Mr. Daily informed the planning Commission that performance bonds along with Item M: streetlights and Item N: placement of utilities underground were added to the ordinance. Chairman Farr opened the Public Hearing.

Stacey Haws, 4262 South 800 West: Mr. Haws noted he is speaking for his own personal opinion and not as a City Council member. He asked for clarification on the ordinance title and if the subdivision covered commercial as well as residential. Mr. Daily noted that it did cover both types of subdivisions.

Motion: Commissioner Hunt moved to close the Public Hearing. Commissioner Miller seconded the motion.

Call the Question:
The motion passed unanimously.

8. CONSIDERATION AND RECOMMENDATION OF PROPOSED AMENDMENTS TO TITLE 10: ZONING AND SUBDIVISION REGULATIONS, SPECIFICALLY 10-25-7: IMPROVEMENTS.
Mr. Daily commented that Mr. Moulding, Public Works Director felt it was necessary to include more specific language in the ordinance, currently the City can request that power lines be buried but cannot require it. Commissioner Hunt noted that it is beneficial to have all power lines underground but said the impact for high-tension lines has not been discussed. He asked what flexibility would be allowed in the ordinance, if any. Mr. Daily stated that as written it would not allow for any flexibility. He noted that to bury high-tension power lines it is very expensive, perhaps as much as the land value itself. Chairman Farr said that to place that kind of burden upon a piece of property could restrict development, in his opinion, there should be a provision provided on certain types of power lines. A general discussion was held on current developments and possible impact this change will have on future developments. Mr. Daily noted that Mr. Moulding requested the change to help make a better looking City. Commissioner Miller requested for future meetings that those who are requesting amendments to attend the Planning Commission meeting and present the amendments.

Motion: Commissioner Hunt moved to recommend to the City Council to adopt proposed amendments to Title 10: Zoning and Subdivision Regulations, specifically 10-25-7: Improvements, Item M, developer is responsible to install streetlights and Item N, the burying of power lines with notification and clarification from Mr. Moulding, Public Works Director. Commissioner Miller seconded the motion.

Roll Call Vote:
Commissioner Miller, yes; Commissioner Gailey, yes; Commissioner Hunt, yes; Chairman Farr, no; Commissioner Searle, yes; Commissioner Tanner, excused; Commissioner Stevens, excused.

Call the Question:
The motion passed with four in favor and one opposed.

9. DISCRETIONARY BUSINESS
No discretionary business was discussed.

10. ADJOURNMENT
There being no further business to come before the Planning Commission, Commissioner Miller moved to adjourn the meeting. Commissioner Gailey seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:00 pm.

Attest:

_____
Marie Alvord,
Planning Commission Secretary

Approved:

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Don Farr, Chair