

River Heights City

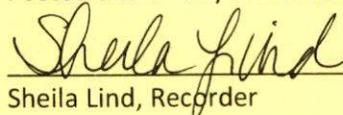
River Heights City PLANNING COMMISSION AGENDA

Tuesday, December 13, 2022

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Review Recommendations from Councilmember Glover on Fence Ordinance
- 7:15 p.m. Adjourn

Posted this 8th day of October 2022



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/84460748417?pwd=eC9UQ3AwZk8xT3BPdk9rN0trc3hGdz09>

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov)

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
December 13, 2022

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6 Present: Commission members: Noel Cooley, Chairman
7 Heather Lehnig
8 Cindy Schaub
9 Troy Wakefield
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11 Councilmember Blake Wright, electronic
12 Recorder Sheila Lind
13 Tech Staff Councilmember Chris Milbank
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15 Excused Commissioner Lance Pitcher
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17 Others Present: Dallas Arnell, Ryan Merrell, Councilmember Tyson Glover
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20 Motions Made During the Meeting
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22 Motion #1

23 Commissioner Schaub moved to “approve the minutes of the October 25, 2022, Commission
24 Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the
25 motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed. Pitcher
26 was absent.
27
28

29 Proceedings of the Meeting
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31 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council
32 Chambers on December 13, 2022.

33 Pledge of Allegiance

34 Adoption of Prior Minutes and Agenda: Minutes for the October 25, 2022, Planning
35 Commission Meeting were reviewed.

36 **Commissioner Schaub moved to “approve the minutes of the October 25, 2022, Commission
37 Meeting with corrections, as well as the evening’s agenda.” Commissioner Wakefield seconded the
38 motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed.
39 Pitcher was absent.**

40 Public Comment on Land Use: There was none.

41 Review Recommendations from Councilmember Glover on Fence Ordinance: Commissioner
42 Cooley explained that he planned to only review the recommendations from Councilmember Glover
43 and have the commissioners determine if they want to take up the issue. If so, discussion would be
44 delayed until their first meeting in January, due to the holiday.

45 Ryan Merrell, of 359 S 550 E, said he felt the fencing code needed to have some amendments
46 to address properties that don't fit in with new subdivision improvements, otherwise he would lose
47 14 feet of his yard. He said there should be a code that amends this or allows for exceptions and
48 preexisting conditions on the property that would prevent the fence from being placed in these
49 areas. His property includes telephone poles and cables. He didn't feel a 14-foot setback on his
50 property was reasonable. He said a four-foot fence wouldn't allow for much, such as keeping a large
51 dog in the yard. He was concerned about keeping people out since he had six kids and was
52 concerned for their safety. He was aware he could install a six-foot rail fence, which wouldn't be
53 financially feasible for his family.

54 Dallas Arnell said the fence ordinance doesn't fit all issues. He recommended the Commission
55 ask themselves what the reasoning behind each part of the code was. One reason could be safety,
56 however in some situations a six-foot fence along a road wouldn't cause a safety issue.

57 Commissioner Cooley informed that three or four years ago the commission spent about five
58 months going through the fence ordinance. They looked at all kinds of scenarios all around the city.
59 They debated the distance a six-foot fence should be from the property line and came up with 14.5 as
60 a compromise. They knew it wouldn't please everyone, but it was the best compromise they could
61 come up with.

62 Commissioner Cooley recommended that each commissioner take time between now and
63 their first meeting in January to review the recommendations and drive through the city as they
64 contemplate how Councilmember Glover's suggestions would apply to all properties.

65 Ryan Merrell noted that a four-foot fence was allowed on a property line, so a six-foot fence
66 should also be allowed. Commissioner Cooley said the issue lies with where the property line is
67 exactly. If code is changed to address a particular case, it would also apply city wide. Mr. Merrell
68 suggested there could be exceptions laid out in the code for certain criteria. Mr. Cooley pointed out
69 there is an appeal process for this, through application for a variance. Mr. Merrell felt if the property
70 met the five criteria for a variance, then there should be an avenue in the code where the request
71 should be allowed, without having to pay an appeal authority/attorney to make the determination.

72 Commissioner Cooley reviewed each of Councilmember Glover's comments. He agreed with
73 point number one regarding sight triangles on corner lots and Commissioner Wakefield did too.
74 Regarding point number two, he wasn't in favor of a fence along a sidewalk but asked that the
75 commissioners look around the city to see if a change to allow Mr. Merrell's request would cause a
76 negative effect somewhere else.

77 Ryan Merrell asked what the difference would be between a four-foot and six-foot fence on a
78 property line.

79 Dallas Arnell asked Commissioner Cooley to keep his personal preferences out of the
80 discussion. Mr. Cooley stated he felt he was speaking for the commission, since they had been
81 through many previous discussions on the topic. Commissioner Schaub brought up the topography of
82 Merrell's property. Mr. Arnell said his situation is such that passersbys can see right into his
83 backyard. He'd like to put a fence along his property for privacy and was waiting to see how things go
84 for the Merrells.

85 Councilmember Glover clarified his request was for the Commission to make a delineation
86 between developed areas (with curb and gutter) versus areas without these improvements when it
87 applied to measurements for fence distance. A uniform application would be helpful, although he
88 realized the difficulty of doing so.

Commissioner Cooley announced they would no longer take public comments.

The General Revision section of Mr. Glover's comments were discussed. Locating property markers before installing a fence was a good idea, but often required a survey. They agreed fire hydrants should not be blocked. Councilmember Milbank agreed that irrigation ditches should be unobstructed and supported the idea of item #3. They all agreed with items 4 and 5. Commissioner Cooley felt item 6 should be part of the code but wasn't sure how to address it. He noted that item 9 was already in the non-compliance section of the code and didn't think they needed it in another location. He wasn't sure the city could dictate the finish on a fence and suggested deferring to the city attorney. He supported retaining walls over 48" being required to get a building permit and engineering and suggested further discussions about the use of chain link.

Commissioner Cooley asked commissioners to do their homework before their next meeting by reviewing the recommendations of Councilmember Glover and looking around the city to see how code changes would affect current properties. Commissioner Schaub recommended they look at the property on the corner of River Heights Boulevard/Orchard Drive. Commissioner Wakefield pointed out there are many properties with specific needs that could be addressed.

Commissioner Cooley reminded that whatever they put in the code would be binding upon the zoning administrator and mayor. They can't allow something that would go against the code.

Councilmember Wright received a letter concerning revisions to the Cache County flood plain. Commissioner Cooley planned to have the commission review the changes at their next meeting.

Commissioner Cooley said the council had approved the last code changes the commission sent them, except the definition of "commercial vehicles," which they sent back to the commission for further revision.

The next meeting was scheduled for January 10.

The meeting adjourned at 7:10 p.m.



Sheila Lind, Recorder

Noel Cooley, Commission Chair



Sheila Lind <office@riverheights.org>

FW: Fence Ordinance

1 message

Noel Cooley <nhcooley@comcast.net>
To: Sheila Lind <office@riverheights.org>

Thu, Dec 8, 2022 at 12:09 PM

Here is copy of Tyson's email

Noel

From: Tyson Glover <tysonglover@riverheights.org>
Sent: Friday, November 18, 2022 1:30 PM
To: Blake Wright <blakewright@riverheights.org>; nhcooley@comcast.net
Cc: Jason Thompson <jasonthompson@riverheights.org>; Janet Mathews <janetmathews@riverheights.org>; Sharlie Gallup <sharliegallup@riverheights.org>; Chris Milbank <chrismilbank@riverheights.org>
Subject: Fence Ordinance

All,

Just following up with some of the fence ordinance recommendations that I'd like P&Z to review. This is not meant to be an email discussion, just letting you all know a few points I'd like Blake and Noel to consider moving forward. Valerie Merrell has been reaching out about her situation with the fence ordinance, which brings up a few concerns I originally had when it was most recently changed. Valerie would like to further discuss the ordinance at a future P&Z meeting. Blake or Noel, please let her know what date would work best for P&Z, or let me know and I can forward that to her. Here is her contact information:

p: 801-678-2761

e: valeriedafne@gmail.com

My main concerns with the current fence ordinance are:

1. Sight triangles near driveways on corner lots.
2. The 14.5' setback from the edge of asphalt pavement for 6' privacy fences.

#1

A good example of #1 is a fence installed in Saddlerock at 947 E 480 S. I'm friends with the landowner and have been told that it was approved by Blake and the previous Mayor prior to installation. I recommend we discuss including driveway approaches into 10-13-15, "Clear View of Intersecting Streets". Figure 10-12-3 shows the 70% transparency fencing allowed on the property line, but does not mention anything for the solid 6' fencing that is offset 14.5' from the pavement as shown:

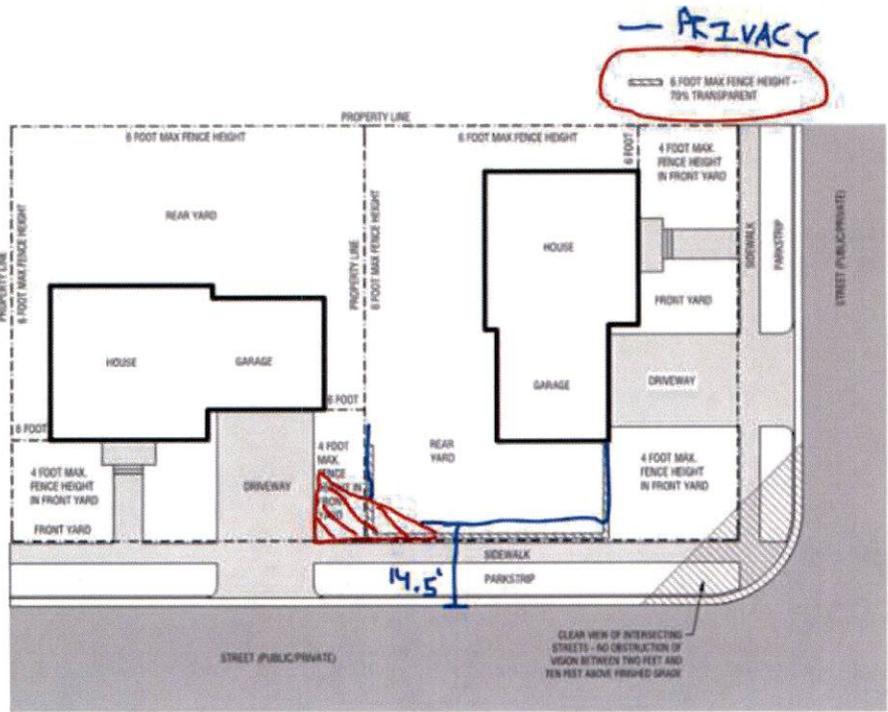
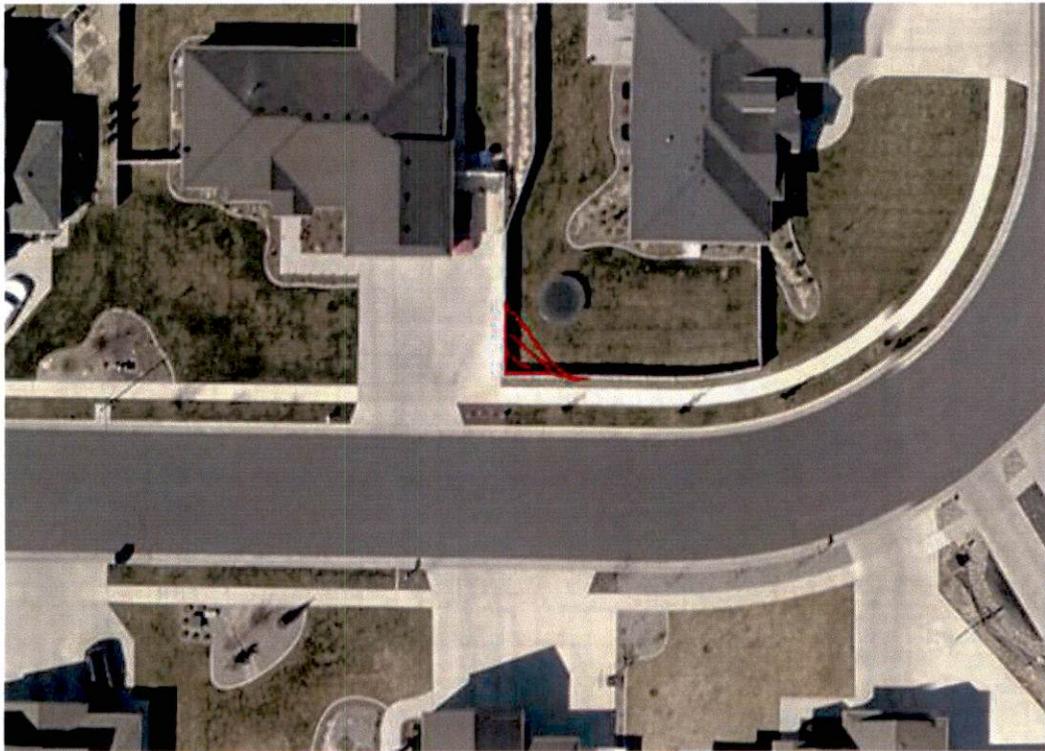


Figure 10-12-3 Corner Lot Fencing Requirements

(1-2019, 4-11-2019) (4-2019, 8-13-19)

I expect that our intent is to not allow any solid fencing within site triangles by drive approaches (Red hatch area), and that we might want to update our figure to reflect that. Here is an as-built fence that is in compliance with the current code, and has a solid 6' fence installed adjacent to a driveway:



Proposed language could read, "Obstruction of vision within ten feet of intersection of a private drive with a city right-of-way will not be permitted. Trunks of trees, open-work fences at least 70 percent transparent, light or telephone poles or

6. A fence may be constructed on the property line between the adjacent property owners as long as they agree in writing to a common fence. Otherwise, all elements of the fence shall be on the proposed fence builder's property.
7. All fences and walls shall be constructed with the finished (smooth) side facing outward from the property and facing the public right-of-way, common open space, or other public places. The posts and support beams shall be on the inside (or shall be designed as a part of finished surface).
8. Chain-link fences must have barbed ends pointing down.
9. Nothing in this chapter shall prevent the continued use and maintenance of a fence if such fence was lawfully erected in conformity with the provisions of previous ordinances and used on the date of enactment of the ordinance from which this chapter is derived.
10. A retaining wall is considered part of a fence and is subject to height restrictions. Retaining walls which include footings over 48 inches (four feet) in height, require a building permit and engineering.

I would recommend removing the following:

1. 10-12-3 E. This is the most economical type of fence. Consider allowing it if used as a privacy fence with vertical slats or if it has a colored vinyl coating that prevents rust.



Hope that gets the discussion rolling,

Tyson Glover

City Council



CELL 435.237.2030

other small vertical protrusions not more than ## inches in diameter shall be permitted within the clear-view area." We need to preserve the sight triangle to allow drivers time to react to children or other pedestrians leaving the driveway.

#2

This one has a direct impact on Valerie Merrell (02-024-0037) and others who have a rear/side yard on a street where we don't have a full right of way cross section installed (curb, parkstrip & sidewalk). The issue is that the 14.5' setback distance required in 10-12-3 A(4)-b rewards landowners who's fences will be installed along streets that are fully developed, and requires greater offsets beyond the property line for those who do not. For example, I was able to meet the ordinance by constructing my 6' privacy fence roughly 2' behind my side yard property line. The Merrell's and others in their situation who want to build a similar fence are required to install their fence more or less 10' past their property line (Circle #1). Others appear to be able to install the fence within our right of way, outside of their property (Circle #2:



I'd be curious if a better reference could be used that provides greater consistency. We might consider using, "Where there is no existing curb & gutter or park-strip on a rear or side yard on a street, a 6' solid fence may be installed #' behind the existing back of sidewalk, but not within the right of way in the event the property line is setback further than the sidewalk offset. In general, it makes little sense to me how a homeowner can build a 6', 70% transparent fence on their property line in this situation, but are required to install it 10' farther back if they want it to be a privacy fence.

General Revisions

Lastly, there are a couple edits and additions that I think should be brought up.

I would recommend a discussion to add the following:

1. Property markers shall be identifiable and located prior to the construction of a fence.
2. Fire hydrants shall not have access blocked. No fence shall be constructed closer than three feet on any side or to the rear of a fire hydrant. Front access shall be totally open and unrestricted.
3. On a drainage or irrigation easement, an owner may fence the owner's property, but the water flow cannot be interrupted and must allow full access to the holder of the easement for the purpose of the easement. This may require gates to access the property with both foot traffic and equipment required to maintain the ditch or pipe. It is the responsibility of the property owner to contact those who own the easements and get approval of the fence, gate, etc.
4. Any fence that fully encloses a yard may require access to read the utility meters and for utility access.
5. No person shall build or maintain a fence that, by its construction, presents a hazard to any person or domestic animal.