

**West Point City  
Planning Commission  
3200 West 300 North  
August 8, 2013**

**Present:** Rawlee Wilson, Korey Kap, Brad Lee, Curtis Seeds, Brian Vincent, Jeff Oyler – City Planner, Michelle Bailey – Planning Commission Secretary

**Excused:** John Detamore, Jeremy Strong

**WORK SESSION**

**1. Discuss Conditional Use Permit for garage**

Staff has received an application for a conditional use permit for an accessory building. Jeff Oyler stated that in our city ordinance, if a garage is larger than 1,500 square feet, it requires a conditional use permit. Jeff showed a picture of the lot which shows the size of the residence already there and where the accessory building will be constructed. There are other accessory buildings located on the same street. There will be two large, 15' x 12' doors on one side of the building. It is a tall accessory building, however it will only be one story. It has a mezzanine level which is acceptable in our code. It will be all brick. It meets all the setback requirements. He is leaving 10 feet in the back from the property line and three feet on the side from the property line. This meets all of the requirements.

**2. Discuss changes to Fence Ordinance**

Jeff Oyler stated that this has come to light because of a complaint made regarding a fence on a corner lot. As Staff looked into this issue, they realized that most of the fences on corner lots, within West Point City, are not in compliance with the ordinance. The City Council has asked the Planning Commission to address whether there are modifications that could be made to the existing fence ordinance that would make sense, or should it remain as it is currently. Currently, the ordinance states that you can have a four foot high fence in the front yard with a 25 foot setback. Then when you reach the front setback, you may have a six foot fence in your side and rear yard, if you are an in-line lot. Things are different on a corner lot. There is what is known as a 40 foot clear vision triangle in which you cannot have anything that is between two and 10 feet in height. A fence, landscaping, trees etc fall into this category. The purpose of that is so when a vehicle pulls up to the stop sign, the driver can see through the area to check for oncoming traffic. The 40 foot clear vision triangle is standard in every city. Currently, our ordinance says the sideyard fence must be setback 20 feet off the property line; it cannot come out to the sidewalk. This is where most people on corner lots are out of compliance. Korey Kap asked what the purpose is for having the fence set back 20 feet off the property line. Jeff Oyler responded that he isn't sure of the purpose behind that. He feels the reason could be because when the corner lot and the lot adjacent to it are perpendicular to each other a safety hazard is created if the driveway of the next house in

is abutting the fence. That homeowner must back partially into the street to see past his neighbor's six foot fence if it runs along the property line. That causes a huge safety issue. Whereas, if the fence is in 20 feet from the property line, the person backing out of his driveway can more easily see what is coming down the street or sidewalk.

Another situation to be discussed would be when you actually have a street on three sides of a house. It will occur one time in the Wise Country Meadows Subdivision. Lot 1 in Wise Country Meadows will have this issue. There needs to be two 40 foot Clear Vision Triangles due to the two intersections this house sits on. The second Clear Vision Triangle would cut that homeowner's backyard down to nothing essentially. Staff suggested that in this situation, the rear Clear Vision Triangle could be cut to 20 feet instead of 40 feet. That should still give enough area to see up and down the street while preserving some of that homeowner's backyard space.

Staff made some suggestions for revising the Code. On the corner lots, the six foot fence would be allowed to go to the side or rear property setback. The Clear Vision Triangle would remain in effect unless they decide to change the rear Clear Vision Triangle to be 20 feet instead of 40 feet. People will be required to get a fence permit. There will be no cost for this permit. The reason for this requirement is so Staff can ensure that they understand where they are allowed to put their fence.

Rawlee Wilson asked Jeff to review the proposed changes. The first change is to strike item 17.80.180.B.1 which says, "No fence or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet." This would allow a six foot fence to go to the property line as discussed earlier. The next change is in item 17.80.180.B.2. A sentence was added to the end of the section which says, "Where a rear yard backs onto a street creating a corner lot, the distance measured from the point of intersection back along the property lines shall be 20 feet creating the "clear vision triangle". This was discussed earlier. The next change is in item 17.80.180.C. This section is new. It states, "Clear view for driveways. No fence or other similar structure shall be located in the triangular area bounded by lines drawn from a point on the centerline of the driveway setback 15' from the front property line, to points along the front property line 30 feet either side of the centerline of the driveway." This would take care of the driveway situation discussed earlier. The next change is in item 17.80.190.A. The current verbiage would be struck and the proposed verbiage would read, "A fence permit application is required for any fence erected within West Point City. There is no fee for this permit."

There was a more detailed discussion regarding the rear yard Clear Vision Triangle. The situation where a home on a corner lot has three streets around it will rarely occur, but it can happen. Technically, if we don't change the ordinance, they must meet the 40 foot Clear Vision Triangle on two corners of their lot. This will take out most of that back yard. Curtis Seeds suggested that on this three-sided situation we add verbiage stating that if it is a back yard, a clear vision triangle is not necessary. He feels that it isn't a safety issue whatsoever to do away with that. The Code currently requires a 40 foot Clear Vision Triangle. Jeff Oyler said that he checked the Code for several other cities and they

all require the 40 foot Clear Vision Triangle for the back yard. He does not know if it is being enforced though. The Commission feels that from a practical side, 20 feet is enough for the Clear Vision Triangle, but from a liability side, the 40 feet is standard in all cities for a safety reason. Rawlee Wilson said he feels that it should remain a 40 foot Clear Vision Triangle. He feels if it is cut down to 20 feet it will give the City liability issues down the road.

## **REGULAR MEETING**

### **1. Call to Order**

### **2. Pledge of Allegiance**

### **3. Prayer:** given by Brad Lee

### **4. Approval of Minutes from July 11, 2013**

Curtis Seeds made a motion to approve the minutes from July 11, 2013, as written. Brian Vincent seconded the motion. All voted aye.

### **5. Public Comments:** None given

### **6. Discuss/Approve changes to Chapter 17.80.170, Fence Ordinance**

Rawlee Wilson stated that this item has been discussed extensively in work session meetings. He asked Jeff Oyler to state what Staff is proposing in their Staff Report. Jeff Oyler stated that the Commission has some recommendations to make a few modifications to the existing fence ordinance. Based on complaints that have been received regarding the existing fence ordinance, and looking deeper into the City's existing Code, Staff felt that it would be good to make some modifications to the existing ordinance. The recommendations are summarized as: On corner lots, a six foot fence would be allowed to go right up to the sidewalk or the property line on the side lot. Currently, only a four foot fence is allowed. It is recommended that that "clear vision triangle" remains in effect on corner lots at 40 feet in the front yard and 20 feet in the rear. As discussed in the work session, there should also be a "clear vision triangle" that would be maintained where driveways are adjacent to a fence. Section 17.80.190 clarifies that fence permits are required of all residents. There will be no fee for the permit. Rawlee thanked Mr. Oyler for researching this and making recommendations. The commission had an opportunity earlier to discuss these modifications. There was no further discussion.

Brad Lee made a recommendation to adopt the changes to Section 17.80.170 Fence Ordinance, as follows. In Section 17.80.180.B.1, the entire section will be struck. The last sentence in Section 17.80.180.B.2 that was proposed will be removed. Section C, the Clear View for Driveways, will be added, as proposed. In Section 17.80.190, the current

verbiage will be struck and the newly proposed verbiage will be added. Korey Kap seconded the motion. All voted aye.

**7. Discuss/Approve/Deny Conditional Use Permit for Kevin Hirasuna**

Brett Zaugg, the contractor for the project, was present to answer questions. Rawlee Wilson stated that this was discussed in the work session. They had discussed that the structure may not be taller than the residence, which it is not. A driveway will be constructed on the west side of the property for access to the accessory building.

Korey Kap made a motion to approve the application for a conditional use permit for an accessory building to be constructed at 1896 West Ridge Point Drive, Kevin Hirasuna, applicant. Brian Vincent seconded the motion. All voted aye.

**8. Planning Commission Comments**

Korey Kap thanked Staff for the fine job they do and being so prepared for each meeting.

Brad Lee said great job to City Staff for the work they do. It makes their jobs much easier to do efficiently.

Curtis Seeds concurred with the previous comments made.

Brian Vincent also thanked Staff.

Rawlee Wilson thanked Brett Zaugg, saying “It is comforting to us when there is something like this coming forth, that we know it will be quality craftsmanship. We appreciate the good work you do.”

**9. Adjournment**

Brad Lee made a motion to adjourn at 7:21 p.m. Curtis Seeds seconded the motion. All voted aye.

  
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Chairperson – Rowland S. Wilson

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Secretary – Michelle Bailey