

**West Point City  
Planning Commission  
3200 West 300 North  
November 9, 2017**

**Present:** Brian Vincent, Rob Ortega, Jeff Macfarlane, Brad Lee, Jeremy Strong, Jake Shepherd, Boyd Davis – Community Development Director, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

**Excused:** Korey Kap

**Visitor:** Jason Caldwell

**WORK SESSION**

**1. Commission Training**

The training consisted of a video by the Utah League of Cities and Towns about the roles of Planning Commissioners. Legislative decision makes law and administrative decision applies the law. A legislative decision could be a zoning change, an ordinance amendment, or a General Plan amendment. An administrative decision applies the zoning to an application; like an application for a Conditional Use Permit, a subdivision approval, or building permit. A Legislative decision can only be made by the legislative body; the City Council. An administrative decision is made by whomever the City Council appoints. The Planning Commission's biggest role is revealed in the name. Its job is to plan; to make a plan for land use in the community that reflects what the community wants to be. The three roles of a Planning Commissioner are: 1. Create and recommend changes to the General Plan. 2. Create and recommend changes to ordinances. 3. Handle assigned administrative matters if delegated to do so by the local government.

**2. Discussion on proposed changes to West Point City Code regarding Fencing regulations.**

The materials, types and placement of fencing on frontage and corner lots was discussed in the last meeting. Troy Moyes said the City Council has directed the Planning Commission to discuss this and forward a recommendation to them. The concern is to protect homeowners, their properties and potential detriment to surrounding neighbors.

The current (black ink) and proposed verbiage (red ink) to add to Section 17.80.170 Fence states: "A tangible barrier or obstruction of any material with the purpose or intent or having the effect of preventing passage or view across the fence line. It includes hedges and walls. **Agricultural fencing will not be allowed in the front yard or side yard of corner lots in any residential zones. Agricultural fencing include rope; string; wire product including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other material**

that are not manufactured specifically as fencing materials. Basically this states that agricultural fencing in the front yard in residential zones is not allowed.

Jeremy Strong had no comments. Brad Lee likes the proposed definition. Jeff Macfarlane said he feels that it addresses everything. Jake Shepherd said he read the minutes from the City Council meeting when this was discussed. Councilman Chatterton brought up a good point, that the Planning Commission could approve certain things that are brought to them. Jake feels the proposed verbiage is written well but feels is it slightly limited without having any exceptions. He would rather see an ordinance that says what fencing materials are approved. If you would like something other than the listed items, approval could be granted as a conditional use. Jake Shepherd showed pictures of a few different types of fences that are nice looking, yet wouldn't be allowed because of the material used. He commented that he feels if someone has some creativity/ingenuity and would like to see materials like that incorporated into their fence, they should be allowed to apply for permission to do so under a conditional use. Jake continued to say that he agrees with the proposed verbiage, but feels that the hog wire fences could look nice if done right. He feels we should allow certain materials to be used by saying what is allowed and then if someone wants to use other materials, they would need to apply for an exception through a conditional use. Jake said he struggles with telling people what they can't do. Boyd Davis suggested they add a sentence to the end of the proposed verbiage that states, "Unique fence designs may be approved by the Planning Commission, including materials listed above." Or another option that Boyd Davis suggested would be to add, "Exceptions may be granted by the Planning Commission." Rob Ortega said he agrees with what is proposed as long as more verbiage is added to provide for exceptions.

### **3. Discussion on proposed changes to West Point City Code regarding Driveway Width regulations.**

Troy Moyes said we need to address the current Code that only allows for a 20' driveway. The current verbiage reads, "Access for residential uses shall be by a maximum of two driveways for each 70 feet of frontage on a public street, such driveways to be not over 20 feet in width, or less than 10 feet in width." Staff feels that most, if not all, of the new homes would be in violation of this ordinance; some homes have gone very excessive regarding this Code. Troy showed some different pictures of homes with standard driveway widths and excessive driveway widths. He reminded the commission that this is a public right-of-way. There was a brief discussion regarding the difference between driveways and curb cuts. Staff feels the intent of the Code is talking about curb cut maximums. Jeff Macfarlane asked what the down side is to a curb cut. Boyd Davis responded that they had discussed that and feel like the only down side is the appearance of it. Troy Moyes said they are proposing to remove the language that talks about them being 20 feet and replacing it with verbiage that states, "Residential driveway approaches shall not exceed the maximum width of fifty percent (50%) of the lot width. Where multiple approaches for frontage are desired, the maximum of all approaches shall not exceed the total width allowed for the frontage of the lot." With this proposed verbiage, they are trying to clarify some things such as saying driveway approaches instead of just driveways; also talking about the curb cut. Jake Shepherd asked what would happen with a cul-de-sac lot that has only 60 feet of frontage. Boyd Davis

responded that they define the frontage at the 30 foot setback. Multiple curb cuts were also brought up. This will be discussed more in the next meeting.

## **REGULAR MEETING**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Boyd Davis
- 4. Approval of Minutes from October 26, 2017.**

Jake Shepherd made a motion to approve the minutes from the meeting held on October 26, 2017, as written. Rob Ortega seconded the motion. All voted aye.

- 5. Public Comments:** None given
- 6. Public Hearing on proposed changes to West Point City Code regarding Fencing regulations.**

Troy Moyes said the City Council is seeking direction from the Planning Commission on clarifying changes to the City Code regarding residential fencing regulations. As presented to the Planning Commission in several work sessions, we have identified agricultural fencing as not being allowed in front yards. The new Code is listing some of those fencing materials. That has been presented and discussed. A few modifications to that verbiage have been discussed.

### **a. Public Hearing**

**Jason Caldwell – 4882 West 650 North, West Point** – Jason had a question as to what exactly is considered to be a front yard. If a house has its fence coming out of the sides of it, is that considered a front yard? Or if it is equal with the house? Or is the front yard just something that is in front of the house? He said he can think of at least three people on his street who have fences made of well-done hog wire. Jason said he feels that it would be prudent to allow exceptions if they are done well.

Brad Lee made a motion to close the public hearing. Rob Ortega seconded the motion. All voted aye.

Brian Vincent then asked the Commission for discussion regarding the comment given regarding clarification on what is considered a front yard. Boyd Davis said that the Code does define it. Once you are into the front plane of the house that is considered the side yard. Therefore a fence coming off from the side of the house wouldn't be considered the front yard. That brings up a good point because the

proposed regulations would not regulate that. Jake Shepherd commented that that would give someone the latitude to put up a chicken wire fence exactly the way this all came about. Boyd Davis said the fence that brought up this issue was definitely in the front yard and not in the side yard. Boyd Davis said if they aren't happy with the proposed verbiage, they could add a sentence to clarify that saying, "Or any fence separating the front yard from the back yard." Jeremy Strong said this defeats the purpose of what they are trying to do here by not including that portion of the fence. Rob Ortega said he may be ok with it if it is set back that far. Rob feels it would be ok to leave the proposed verbiage as it is. Jake Shepherd commented, "My thought is that this whole conversation/discussion was brought up by the City Council. They want us to look at it. We are talking about how this affects somebody else's personal property value. In that light, and I'm not saying I'm personally for it or against it, I feel like if its right next to the house, 30 feet back, it could have the same detrimental impact as if there was a chicken wire fence eight feet tall, as if there was a four foot chicken wire fence right up front. So if the intent was just to regulate, then that is one thing, but the intent was to protect other people's property value. With that being said, I think that we are missing the mark somewhat if we don't include it. I feel like if it is something we want to discuss further, then we don't have to vote on it. Or we can decide and move forward. But I think if the intent was to protect property rights, or property values of the neighbors, then that's a different discussion." Jeremy Strong agreed with Jake's comment. He said, "I feel like the whole point of this was to protect the front yard. That fence, in my opinion, even though it's in the side yard is the front yard and I think it needs to be included." Jeff Macfarlane said he would be fine to table the item for more discussion time. Boyd Davis suggested they discuss it now and add some verbiage to the proposed Code and then vote on it. Brian Vincent suggested they discuss it and see if they can come up with language that they all agree on. Jeremy Strong suggested they say, "Agricultural fencing will not be allowed on any fence facing the street." That would cover corner lots and backyards that face main arterial streets as well. Jake Shepherd said he would favor adding verbiage regarding fences facing the street because that would alleviate the problems and there is the provision that the Planning Commission can grant approval for exceptions to that. Troy Moyes read the definition of "Front Yard" from the Code. It states: Front yard means an open space extending the full width of the lot measured between the front line and the closest main building which open space is unoccupied and unobstructed from the ground upward except to specify elsewhere in this Title. Brian Vincent commented that if they put the fence five feet behind that front plane, it is then considered the sideyard and you can't call it the front yard because it doesn't fit that definition. Discussion took place regarding suggestions of verbiage to add to the proposed Code. Troy Moyes made a suggestion, "Where it says, 'Agricultural fencing will not be allowed in the front yard..' Instead you could add the words 'and side yard including corner lots in any residential zones.'" So strike the word "of" and add the words "including corner lots". Boyd Davis suggested they add "and rear yards where they face a public street." Rob Ortega said he doesn't feel like they need the verbiage regarding corner lots. Jake Shepherd asked if that also begins to include side yards between two neighbors. Brian Vincent suggested it say,

“Agricultural fencing will not be allowed in the front, side, or rear yards that face the street in residential zones.” There was more discussion regarding suggestions of verbiage to add. Troy Moyes read a final draft of what they would like to add to the Code. It states, “Agricultural fencing will not be allowed in the front yard, side, or rear yard that face a public street, in any residential zones. Exceptions may be granted by the Planning Commission.” The proposal now reads, “A tangible barrier or obstruction of any material with the purpose or intent or having the effect of preventing passage or view across the fence line. It includes hedges and walls. Agricultural fencing will not be allowed in the front yard, side, or rear yard that face a public street in any residential zones. Agricultural fencing include rope; string; wire product including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other material that are not manufactured specifically as fencing materials. Exceptions may be granted by the Planning Commission.”

**b. Action**

Jeremy Strong made a motion to approve the newly proposed verbiage for the City Code 17.80.170 regulating Fencing. Jeff Macfarlane seconded the motion. All voted aye.

**7. Planning Commission Comments**

Rob Ortega had no comments.

Jeff Macfarlane thanked Staff for their hard work.

Jeremy Strong thanked the public for the comment that was made. Jeremy also congratulated Councilmen Henderson and Dawson and Mayor Craythorne for their re-elections.

Brad Lee thanked Troy Moyes for his hard work on these ordinances. Brad also commented on how great it is to be associated with men that have the City’s best interest at heart as they have these discussion and make decisions.

Jake Shepherd said he feels they all learned a lot tonight. He thanked the public for bringing that to their attention so they could get it right. He also said he thinks they had a great discussion tonight.

Brian Vincent echoed the comments made by the commissioners. Brian said he feels the commission worked exactly as it is supposed to tonight.

**8. Adjournment**

Jeff Macfarlane made a motion to adjourn at 7:38 p.m. Brad Lee seconded the motion.  
All voted aye.

  
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Chairperson – Brian Vincent

  
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Secretary – Michelle Bailey