

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on September 17, 2013, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Commission Members: Curt McCuiston, Chairman
Wayne Kinsey
TJ Jensen
Dale Rackham
Anne Greeson
Ralph Vaughan
Sean Dixon

City Employees: Director Christensen, Community & Economic Development Director
Jenny Schow, Planner
Kelly A. Janis, Planning Administrator
Clint Drake, City Attorney
Brian Bloemen, City Engineer
Jo Hamblin – Deputy Fire Marshall

Excused: Tyler Bodrero, Vice-Chairman

City Council: None

Visitors: Mike Ford Romney Harker Ryan Chandler

1. Meeting Called to Order

[6:05:50 PM](#)

- a. **Invocation or Thought** – Commissioner Greeson
- b. **Pledge of Allegiance** – Commissioner McCuiston
- c. **Adoption of Meeting Agenda**

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE SYRACUSE CITY AGENDA FOR SEPTEMBER 17, 2013 AS AMENDED WITH THE WORK SESSION MEETING IN CITY COUNCIL CHAMBERS. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

2. Approval of Minutes – Joint Work Session Minutes for August 14, 2013; Regular and Work Session Minutes for August 20, 2013.

[6:09:43 PM](#)

**August 14, 2013 Regular Line 319 – and then
Line 327 - Did not**

August 20, 2013 Regular Line 179 - we have a data table which shows what is required; add which shows

COMMISSIONER VAUGHAN MADE A MOTION TO APPROVE THE JOINT WORK SESSION MINUTES FOR AUGUST 14, 2013 AS AMENDED. COMMISSIONER JENSEN SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

[6:11:38 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MINUTES FOR AUGUST 20, 2013 AS AMENDED. COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

[6:12:03 PM](#)

3. Public Hearing, Proposed Amendments to the Municipal Code, Title 8 Subdivision Ordinance and Title 10 Land Use Ordinance.

[6:12:08 PM](#)

Staff has requested from the Planning Commission the following amendments to Title VIII & X in order to correct minor administrative issues. Additionally the Planning Commission has request amendments to the Title X Chapter 16, Cluster Subdivisions to clarify open space requirements and bonus densities within Cluster Subdivisions.

Director Christensen – Disregard page 2 of the staff report. We wanted to propose minor amendments. The first section of item #3, we are changing the procedure as how the infrastructure is put in a subdivision. The ordinance reads that they may not start the infrastructure in a subdivision until they have recorded the plat. Under State code, there is a requirement that either install the entire infrastructure before you record the plat or you post bond for cost of infrastructure before you record that plat.

Proposed Title 8 amendments

Section 8.02.020

3. **Construction and inspection.** No construction of public improvements shall proceed until the final plat has been approved by the City Council and filed for record in the office of the County Recorder, except that the City Engineer ~~Council~~ may conditionally approve the installation of offsite improvements as described in Section 8.0-7.0-30(D)(1). All public improvements shall commence within six (6) months and be completed within one (1) year of the date the final plat was approved, and the City Engineer, or designee, ~~Building Official~~ shall inspect the construction as it proceeds. A construction punch list shall be made up by the City Engineer, or designee ~~Building Official~~ indicating the items missed or needing correction prior to acceptance of the improvements by the City ~~Building Official~~.

4. **As Built Drawings** – Change verbiage from City Building Official to City Engineer or designee.
 5. **Inspection** – Change verbiage from City Building Official to City Engineer or designee; and from City Engineer to Special Inspectors or testing firms.

Commissioner Jensen – Why the change from City Engineer?

Director Christensen – Because it is not within the Building Official's frame of expertise. We have a water superintendent and street superintendent who inspect these.

Sketch plat – Change to submit four standard copies of sketch plans plus 1 PDF

Preliminary plat – We are making it clearer that we're requesting preliminary construction drawings. We need to see construction drawings because that could affect the design and layout of the subdivision if the engineering does not work.

Final – Changing to four large copies and 1 PDF

Section 8.06.030 Final Approval

1. **Submittal** – Changing to four large copies and 1 PDF
2. **Engineer Review** – Remove If documents are in order, City Engineer will sign the mylar indicating his approval of the subdivision. After approval and signature of the Final Plat, the City Engineer shall submit the plat, along with his comments of review and approval to the Planning Commission.
3. **Approval** - Upon receipt of the approved plans from the City Engineer the Planning Commission ADD - shall forward to the City Council their recommendation to either approve or, reject the final plat, or shall table action for the next regular meeting the Final Plat. REMOVE - If the final plat is approved, the Planning Commission Chairman shall sign the plat and forward it to the City Council for approval and signature, which action shall be taken in a regularly scheduled meeting of the City Council. Approval of final plats will extend from 6 to 12 months.

Commissioner Rackham – in Section 3, second paragraph shall disapproval shall “be” indicated. “Be” needs to be added.

Commissioner McCuiston – Do we want to have it say “table to the next meeting” or “table until everything is completed.”

Director Christensen – I think we should add “or until the specified deficiency has been corrected.”

Commissioner Jensen – There will come a time when they will need more than one meeting.

Construction of off-site improvements – ADD engineering and public works departments, REMOVE building

Approval to Record Subdivision – ADD or cash escrow; Change See Section to 8.02.020

6. **Recording** - Once final plat approval has been obtained the developer shall submit a 22”X34” mylar of the Final Plat to the City engineer. If all documents, submittals, and payment of fees are in order, the City Engineer will sign the mylar indicating his approval of the subdivision. Complete submittal shall include the following:
 - a. Development Agreements
 - b. Escrow Agreement
 - c. Title Report
 - d. Street Light Agreement
 - e. Off-Site Improvement Agreement
 - f. Water Share Certificate
 - g. Storm Water Activity Permit
 - h. Stormwater Maintenance Agreement
 - i. Payment of all required development and inspection fees
 - j. Approved construction drawings or as-built drawings
 - k. Surety and Improvement Guarantee
 - l. Easements and any other documents deemed necessary by the City Engineer or conditioned for approval by the Planning Commission or City Council.

After approval and signature of the Final Plat, the City Engineer shall submit the plat to the Community Development Director, or designee, who shall obtain the signatures of the city Attorney, Planning Commission Chair, and Mayor. The Final Plat, bearing all official signatures as above required, shall be deposited in the office of the City Recorder,

who shall cause the plat to be recorded in the office of the County Recorder. Final plats not recorded within twelve (12) months of final approval, shall be deemed null and void. No plat shall be recorded in the office of the County Recorder until the plat approved and signed. Lots included in such plat shall not be sold or exchanged, and no offer shall be made to sell or exchange any such lots unless and until the plat is recorded. (This depicts Planner Schow's changes).

Proposed Title 10 amendments

Section 10.02.040 Definitions

CLUSTER SUBDIVISION: A subdivision approved by the City, as allowed within a particular zone, which meets all the requirements of Chapter 16 of this Title with other standards as determined by the City Council by means of a development agreement. ~~Homes grouped together on at least five (5) acres of land, exempt from the minimum lot-size requirements of a regular subdivision, grouped in a manner that allows for common open space at the same density allowed by zone.~~

Commissioner Vaughan – I foresee more discussion about Title 10. Titles 8 & 10 should be bifurcated when we make the motion.

Public Hearing Open for Title 8

[6:33:37 PM](#)

No comments.

Public Hearing Closed for Title 8

[6:34:02 PM](#)

Commissioner Vaughan – I support the amendments to Title 8.

Commissioner Rackham – Para 6: The City Engineer, strike the word "his" from the code.

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE PROSPED AMENDMENTS TO THE MUNICIPAL CODE, TITLE 8 AS DISCUSSED. COMMISSIONER VAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

[6:35:18 PM](#)

Public Hearing Open for Title 10

[6:35:31 PM](#)

Attorney Drake – Any reference that denotes gender, such as when "his" or "her" used in the code; inclusive to both terms.

City Code 1.02.050 - GENDER: When any subject matter, party, or person is described or referred to by words importing the masculine, the feminine as well as the masculine, and associations and bodies as well as individuals, shall be deemed to be included.

Title 10 Proposed Amendments Con't

Section 10.04.090(D)1 – ADD or Professional Landscape Architect, as applicable.

Table 1 of Chapter 4 – Change from 15 day notice to 10 day notice.

Commissioner Jensen – In Chapter 10, page 48: Annexation Application – Advisory Body - Planning Commission (with recommendation of zoning designation) – We have not been doing that. Even though it is not required by state code, we can protest if we have an issue, but otherwise we are usually not consulted; that is saying that we are.

Director Christensen – The way that has been interpreted is that you have given your recommendation on the zoning with the use of the General Plan map, because you have already designates a future land use of those properties. If they were going to annex it into a different zone than what was indicated on the General Plan map, then they definitely should bring it back to the Planning Commission first before they annex it.

Section 10.06.040(C) 2

Director Christensen – This issue has come up recently because we have had many complaints about chickens and roosters. As I looked in our code, it does allow in the R-1 and A-1 zones to have roosters; however, it doesn't indicate how many points a rooster is, only a hen. On the proposed changes, a rooster shall be 2 points.

(H) Rabbits and Hens and Roosters. Residents may keep rabbits and, hens and roosters outside the dwelling subject to the following conditions:

1. The residents shall have no more than six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6), excluding dependent young.

2. The animals shall be kept in pens, coops, or contained in a fenced area. Enclosed coops shall be covered, ventilated, and predator resistant.

a. The coop or pen shall have a minimum floor area of at least two (2) square feet per chicken.

a.b. If chickens are not allowed to roam within an enclosed area outside the coop or pen, the minimum floor area shall be six (6) square feet per chicken.

2.3. All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. And shall be located in the rear yard at least twenty five (25) feet from any dwelling located on an adjacent lot.

4. Roosters are not permitted in any residential zones, excluding R-1 Residential zone lots that have a minimum size of twenty-one thousand seven hundred eighty (21,780) square feet. Roosters shall be placed in a black out pen each night to ensure compliance with nuisance and noise ordinances.

3.5. Chicken feed shall be stored and dispensed in rodent proof and predator proof containers.

Commissioner Jensen – I support the points on the roosters.

Commissioner Vaughan – I do not believe roosters should be allowed in a residential zone at all; that is an agricultural function. A half-acre lot is not much larger than a third-acre lot.

Commissioner Rackham – This went forward to City Council before, we did exclude roosters but they added them back in.

Commissioner Vaughan – I would prefer the coops to be 25' from the lot line.

Director Christensen – I think 25' would be onerous.

Commissioner Jensen – As with large dog kennels, those are considered a major conditional use; we could apply something similar to chicken coops.

Director Christensen – Depending on how big the structure is, if it is over 200 sq ft, they would need a building permit.

Commissioner Dixon – I am pro chicken.

Commissioner McCuiston – What about making the points higher for a rooster, possibly 5'?

Commissioner Rackham – I would not mind if we changed it to one rooster per acre.

Commissioner Vaughan – Is it possible to bifurcate this item as well?

Director Christensen – We could withdraw this section and I could get some feedback from the City Council to see how they feel about roosters and then we could address it again at a future work session meeting.

Commissioner Jensen – I suggest that we table all of Title 10 because the code in reference to metal buildings needs to be discussed as well.

Section 10.06.060 Miscellaneous Requirements and Provisions

(A) Height of Fences, Walls, and Hedges in Residential Zones. Property owners may erect fences, walls, and hedges to the permitted building height in the zone in which they are located provided they are not within any required yard space. Fences, walls, or hedges in any required side and rear yard shall not exceed six (6) feet in height. Fences within the required front yard setback or side street setback shall not exceed three (3) feet in height ~~nor impede visibility of sidewalks and streets from adjacent driveways and~~

Planner Schow – Most cities do not allow 6' fencing in the front yard setback.

Discussion – The Planning Commissioners and City Staff discussed site triangles, fence visibility, and the best way to approach this amendment in City Code, especially with corner lots and oncoming traffic. Commissioner Jensen stated that our site triangle ordinance seems to be lacking in some areas and situations. Trees, shrubbery, and vegetation in the site triangle were also discussed.

Commissioner McCuiston - I would be concerned about any type of ordinance that we make and puts the City at risk that is not backed by engineering judgment or review.

Section 10.08.030 General Provisions

7:22:48 PM

(C) Prohibited Locations – ADD or industrial use without approval by the Planning Commission at site plan review; and ADD other than approved parking and

Director Christensen – This change stems from Letrono Crossfit where we did not allow parking in the front yard setback. It seems like it would be more appropriate that at site plan approval, based upon good design, that the Planning Commission could allow parking in that front area and put it back in the discretion of the site plan approval. My suggestion is to allow parking in the front yard area if approved by the Planning Commission.

Chapter 9 Sign Regulations

Chapter 25 (Sensitive Lands Overlay)

10.25.020 Preliminary Requirements – ...and plans for ~~sketch~~ preliminary plat or site plan approval

Section 10.26.080 (C) Monopoles with no platform.

2. **Setback. ADD** – ...residential lot line. Exceptions to this setback requirement may be approved by the Planning Commission conditioned upon the acquisition of an equivalent fall zone easement on the adjacent property. No residential structures shall be permitted within the easement. Construction of non-occupied accessory structures may be permitted within the easement at the sole risk of the property owner.

Director Christensen – It has been suggested by the **City Attorney, Clint Drake**, that perhaps the language should be changed to 110% setback from any residential structure. We have met with Kyle Hamblin from Stoker Gardens and we have discussed some ways to amend his plat in order to take those buildings out of the 110% and he will meet with his

engineer and will see if he could relocate a park area plus improve the access to the cellular tower site and to that barn structure in the event of a fire. Currently it would be difficult for a fire apparatus to get back there. We are trying to correct that. In addition, are you (Planning Commission) going to require an easement or just a 110' setback from any residential dwelling?

Commissioner McCuiston – How would we handle the other occupied structures or schools?

Director Christensen – Currently there is a cellular tower next to the football field on school property at the high school. If in the future they wanted to build another cell tower or on other school property.

Attorney Drake – That is typical. I have seen several school district contracts with a cell tower provider to install a tower near the school premises.

Director Christensen – We need to clarify which word we are going to use, either structure or building.

Attorney Drake – The word “structure” is ok; we just need to be clear about what types of structures we are trying to prohibit.

Director Christensen – I am not clear if we are keeping the easement. Commissioner Jensen stated to change: Setback a minimum of 110% of the height of the monopole from any structure or building. Exceptions to that can be approved by the Planning Commission condition of an equivalent fall zone, easement.

Commissioner Jensen – If there is an adjacent lot, an easement would need to be required.

Commissioner McCuiston – How would future lots be built and how would the future owner be made aware that this encumbers upon his lot?

Planner Schow – The way it is written, future residential lots would need to be located 110% from the residential lot line unless otherwise approved by the Planning Commission through an easement.

Director Christensen – The new subdivision would have to grant the fall easement.

Commissioner Jensen – This is how I believe the code should read: Monopoles required from a 110% of the height of the monopole from any nearby structure. Portions of that fall zone which fall on adjacent lots shall require a fall easement on the adjacent property.

Director Christensen – We could change the verbiage from residential lot line to any lot line so this would apply in any zone; exceptions to that requirement would be if you got an equivalent fall zone easement.

Commissioner Jensen – In addition, we could also say: no residential structures or otherwise occupied structures or volatile materials shall be permitted within an easement.

COMMISSIONER JENSEN MADE A MOTION TO MOVE TO ITEM # 4 AND REVISIT ITEM # 3 AFTER ITEM # 4 IS DISCUSSED. COMMISSIONER SECONDED KINSEY THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

Public Hearing Closed

[7:46:29 PM](#)

4. **Public Hearing, Subdivision Amendment, Mike Ford, amending lot lines for lots 506- 508 Harvest Point and Lot 68 Stoker Gardens into the Ford Subdivision, located at approximately 2049 S 1230 W.**

[7:46:54 PM](#)

The applicant has submitted an application to amend lot lines in both the Harvest Point Subdivision lots 506-508 and lot 68 of the Stoker Garden subdivision, thus creating a new subdivision, Ford Subdivision.

Planner Schow – What Mr. Ford has proposed to do is move a lot line. At this time, we are also working with the developer in reference to the cell towers. I do believe that if we adopt the amendments for the wireless tower that these lots will all be in compliance and staff would feel comfortable to recommend approval. We would like to have this tabled until we can get the code changes finalized with the Planning Commission and City Council.

Commissioner McCuiston – Is there any problem with the setbacks at the back of Lot 1? We have an existing structure within the setback of that proposed lot. Would that raise an issue?

Director Christensen – That is why we are proposing that change in the last section because the setback is 110' from the residential property line.

Brian Bloemen – I think the power comes through that 15' access easement on the north side of Stoker Gardens. It comes up from 1000 West. In my opinion, it would be to leave the public utility easement there because if they ever wanted to upgrade their communications equipment.

Planner Schow – Typically when we put in a structure on an easement, it is allowed; they just have to have a letter of permission from the utility companies. I did send a courtesy notice to the cell tower company in regards to tonight's meeting; I did not hear any response back.

Brian Bloemen – Rocky Mountain Power, Questar, and Century Link have to sign off on the plat; they will all be approving the public utility easements on there. .

Public Hearing Open

[8:00:00 PM](#)

No Comment

Public Hearing Closed

[8:00:11 PM](#)

Planner Schow - Lot 68 was a part of Stoker Gardens and did not have water shares turned over; we have a letter in the file that excluded the requirement from Castle Creek Homes. This portion going from that lot into the residential units will require water shares in order to compensate for the additional land being irrigated by the secondary water system.

Commissioner Vaughan – I would like to make this an undevelopable lot. I would like a deed restriction which would limit the usage. An undevelopable lot is a lot that has no chance of being developed in the future.

Director Christensen – That is the restriction that we would like; this not an approved residential lot, and cannot be until such time as proper minimum frontage and access by a public street has been either created or obtained. This is the clarification that I would like to make.

Commissioner Jensen – This lot is currently General Planned R-2. The minimum frontage for an R-2 lot is 85'.

Mike Ford – I own Lot 2, which is the center lot. The intention is to put in power and gas so that I could have electricity and heat in that building. I own Lot 4 as well. My intention is to put bulk storage in half of it that is closest to the cell tower and then a sports court for our children on the other half.

COMMISSIONER JENSEN MADE A MOTION TO TABLE THE SUBDIVISION AMENDMENT FOR FORD SUBDIVISION AMENDING HARVEST POINT PHASE 5 LOTS 506 – 508 AND STOKER GARDENS LOT 68 UNTIL A FUTURE MEETING WHEN THE ISSUES REGARDING THE CELL TOWER ARE RESOLVED. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

[8:12:16 PM](#)

3B. Public Hearing – Proposed Amendments to the Municipal Code, Title 10 Land Use Ordinance.

[8:12:38 PM](#)

Cluster Subdivision

Director Christensen – These are the proposed changes with regards to cluster subdivisions.

10-16-020: DEVELOPMENT REQUIREMENTS

(C) The Land Use Authority shall require that the arrangement of structures and open spaces be developed in such a manner as to prevent any adverse ~~affects~~ effects on adjacent properties.

(E) Approval of the development plan shall determine lot area, lot width, setbacks, and lot coverage regulations for multi-family structures, with a minimum separation of sixteen (16) feet between structures. Single family detached lots shall have the following minimum lot standards:

1. Lot Area 6,000 sq. ft.
2. Lot Width 60 feet
3. Setbacks:
 - a. Front 15 feet
 - b. Garage 20 feet
 - c. Side 16 feet (8 feet on both sides)
 - d. Rear 20 feet

4. Minimum Separation of Dwellings 16 feet

~~The minimum distance between any main buildings shall be ten (10) feet, and the minimum side yard for any single lot shall not be less than five (5) feet.~~

(G) A clear area, thirty (30) feet wide measured from back of curb, shall be maintained along both sides of all streets in a Cluster Subdivision for the location of utilities.

(H) Every Cluster Subdivision shall provide open space within the development. Such required open space shall not include streets, driveways, common space, or parking areas, but shall be totally landscaped or utilized as agricultural or recreation areas. Non-Agriculture and non-wetlands preserve open space shall be developed for the enjoyment and use of all residents of the development or the public.

(I) The developer shall landscape all common space around or adjacent to building lots, and a lawfully organized and ~~fully functional~~ professionally managed home owners' association shall maintain said common space from the onset.

Commissioner McCuiston – In ¶ H, I would like to change ...residents of the development and/or the public.

Bonus Density

Director Christensen – In the current ordinance, the density incentives have to occur in numerical order as listed on the bonus density. We wanted to make items 1-4 mandatory and then they could choose any of the remaining.

10-16-040: BONUS DENSITY INCENTIVES

(B) Bonus Density Calculations. For a permitted project to develop with a density greater than the zone allows, the density incentives must accrue in numerical order, at a minimum contain items 1-4 as outlined below:

2. Building Design Standards

The placement of restrictive covenants within the subdivision ~~requiring a minimum seventy (70) percent brick or rock on exterior finishes for homes within the development and the construction of front porches that accommodate seating that facilitate superior design elements.~~ **-35 40**

3. Landscaping of Park Strips

Planting approved trees species (min two- [2]" inch Caliper) every fifty (50) feet in park strips together with moving the sidewalk four (4) feet closer to the homes. ~~or by using serpentine sidewalks in a fashion to "meander" through the park strip and front yard areas~~

4. Amenities to Open Space

~~The funding and placement of approved amenities to open space or common areas .25~~

4.5. Home Owners Association Moderate Income Housing

~~Creating a Home Owners Association to maintain landscaped entrance ways and common space Provision of five (5%) percent of dwellings dedicated to moderate income housing. .30 .10~~

5.6. Landscaped Entrance Ways

The development of entranceways to the subdivision development including subdivision identification signs

6. Amenities to Open Space

~~The funding and placement of approved amenities to open space or common areas .10 .25~~

(C) Development of open or common space shall comply with the following standards:

2. Open Space. Property designated as open space on the landscaping plan shall be for the full use and enjoyment of all the residents of the development and / or the community at large. The developer shall develop and improve open space that is not in the ownership of the City or maintain it for agricultural use or grazing. The developer must complete the open space landscaping prior to approval of the next consecutive phase of subdivision development, or within negotiated phasing per the development agreement.

Commissioner Jensen – I think we should add a new ¶. Open space that is designated for agricultural or grazing use must have a professional conservation easement recorded. ADD TO C (2).

Commissioner Rackham inquired about Item #2 in the table in regards to what the specific definition of "superior design elements."

Commissioner Jensen – What if a developer disagrees with us as to what we think is superior? What are the legal issues that could arise?

Attorney Drake – It would not be a problem.

10-16-070: DEVELOPMENT PLAN AND AGREEMENT REQUIREMENTS.

(A) Subdivision Ordinance requirements shall generally apply to Cluster Subdivisions except where negotiated within the development agreement.

(E) A Cluster Subdivision community shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit, professionally managed by a legally-established owners' association and governed by enforceable, duly recorded CC&Rs. (Ord. 11-13)

(F) Developer shall prepare a budget for the Home Owner's Association operation and facilities maintenance. Developer shall establish a dedicated operating fund for the collection of home owner dues and shall provide funding for said maintenance for the first three (3) years operating expenses of the home owner's association or until developer owns less than 40% of the lots. When the developer owns less than 40% of the lots, developer shall pay dues in accordance with the CC&R's and fee schedule adopted by the Home Owner's Association. The CC&R's will provide in the budget a depreciation estimate and provide for the collection of fees sufficient to meet the depreciation of infrastructure under control of the Home Owner's Association.

Commissioner Rackham – We need to add words that tell a developer or developer to pay based on his remaining lots.

Director Christensen – I believe we need to clarify – 40% of undeveloped lots and the developer will pay dues in accordance with each lot he owns.

Commissioner Jensen – What did we agree on for setbacks on monopoles?

Director Christensen – It would be 110% of the height of the monopole from any lot line; exceptions to that being granted with the fall zone. No residential structures or otherwise occupied structures or volatile materials shall be permitted within the easement.

Summary & Discussion Items

- The Commissioners and staff discussed fence setbacks and height regulations in the front yard.
- Commissioner Rackham inquired about the definition of volatile materials and what is classified as a volatile material. Deputy Fire Chief Jo Hamblin will look into that further under the International Fire Code Regulations.

Attorney Drake – Is everyone clear on the language?

Director Christensen – In my understanding, it will read: Monopoles shall be set back a minimum of 110% of the height of the monopole from any lot line. Measured from the base of the monopole to the nearest residential lot line. Exceptions to this setback requirement may be approved by the Planning Commission conditioned upon acquisition of an equivalent fall zone easement on the adjacent property. Under no circumstances shall residential structures or otherwise occupied structures shall be permitted within the easement. Construction of non-occupied accessory structures may be permitted within the easement at the sole risk of the property owner.

COMMISSIONER JENSEN MADE A MOTION THAT WE APPROVE THE PROPOSED AMENDMENTS TO THE MUNICIPAL CODE TITLE 10, MINUS THE PROPOSED AMENDMENTS TO THE ANIMAL SECTION OF TITLE 10, CHAPTER 6, SECTION 40 AS DISCUSSED. COMMISSIONER RACKHAM SECONDED. ALL IN FAVOR. MOTION PASSED.

[8:51:20 PM](#)

5. **Motion to adjourn**

[8:51:47 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION. ALL VOTED IN FAVOR.

Adjourn

Curt McCuiston, Chairman

Kelly A. Janis, Planning Administrator

Date Approved: **October 1, 2013**