

PLANNING COMMISSION AGENDA
Thursday, May 10, 2012
Morgan County Council Room
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers, 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer.
2. Approval of agenda.
3. Declaration of conflicts of interest.
4. Approval of minutes from April 26, 2012.
5. Public Hearing/Discussion/Decision: To amend portions of sections 8-6 and 8-11 of the Morgan County Code pertaining to fencing standards.
6. Staff Reports.
7. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY April 26, 2012 – 6:30 P.M.**

MEMBERS PRESENT

Roland Haslam, Chairman
Darrell Erickson
Steve Wilson
Adam Toone
Debbie Sessions
Shane Stephens

STAFF PRESENT

Blaine Gehring, Director
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

Alvin Lundgren

COUNTY COUNCIL PRESENT

Tina Kelly
Howard Hansen

***** M I N U T E S *****

1. Call to order – prayer.

The prayer was offered by Member Stephens.

2. Approval of agenda.

Member Wilson moved to approve the agenda as posted. Second by Member Stephens. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Approval of minutes from March 8, 2012.

Member Session moved to approve the minutes of April 26, 2012 with minor corrections. Second by Member Stephens. The vote was unanimous. The motion carried.

5. **Public Hearing/Discussion/Decision: To amend portions of sections 8-6 and 8-11 of the Morgan County Code pertaining to fencing standards**

The members reviewed the proposed draft.

Mr. Gehring noted that he and Charlie have been working on a site plan review.

- Outdoor storage
- Transformer height
- Fencing height and type
 - Fencing was discussed, particularly chain link.

Member Sessions moved to close the discussion. Second by Member Erickson. The vote was unanimous. The motion carried.

Member Session moved to forward a positive recommendation to the County Council for the text amendment regarding fencing regulations as presented by staff with the following two exceptions:

- **Striking the two references of chain link in 8-6-37 C2 and E1.**
- **Remove the word "Portland" 8-11-6A.**

The chairman called for discussion. The following was discussed:

- 15% or greater.
- Replace the word opaque with translucent.
- Strike the word complete in the sentence "complete visual barrier".

Member Toone moved to amend proposed text in 8-6-37 letter E2 between the words "area" and "shall" and inset the following phrase: "area 'within a commercial zone' shall be screened". Second by Member Stephens.

The Chairman called for discussion.

There was further discussion on the following:

- Agricultural exemptions.
- Rural and residential districts.

Member Toone moved to withdraw his previous motion because he believed there were a few more amendments contained within the discussion.

Member Sessions asked if there needed to be further breakdown of the standards.

There was further discussion on the following:

- Text – section 8-11-6
 - Surfacing requirements.

Member Sessions rescinded her motion to send a positive recommendation to the County Council on the text amendment on fencing.

Member Toone moved to postpone the text amendment regarding fencing regulations in sections 8-6 and 8-11 with a request for staff to work on a revision to include the following in section E:

- Commercial
- Institutional
- Industrial
- Utilities
- Multi-family

And for this amendment to be revisited on May 24, 2012. Second by Member Stephens. The vote was not unanimous with Member Erickson against and Member Stephens, Sessions, Toone, and Wilson for. The motion carried with a vote of four to one.

6. Staff report

Mr. Gerhring noted that building permits submittals are up. They are receiving applications on an average of 2 – 3 a week and issuing permits of 2-3 a week.

Member Toone moved to adjourn. Second by Member Wilson. The vote was unanimous. The motion carried.

Approved: _____

Date: _____

Chairman

ATTEST: _____

Date: _____

**Teresa A. Rhodes, Clerk
Planning and Development Services**

Exhibit A - Fencing Standards staff report dated April 23, 2012

STAFF REPORT
April 23, 2012

To: Morgan County Planning Commission
Business Date: 5/10/2012

Prepared By: Blaine Gehring, AICP, Department Director

Re: **Text Amendment Regarding Fencing Standards**

Application No.: 12.020

BACKGROUND AND SUMMARY

This text amendment is in response to requests from the County Council to look at the county's fencing standards. The requests stem from discussions during council meetings where the Croydon Pipeline Wellhouse and the day care center in Mountain Green were discussed. A review of the fencing regulations in the Morgan County Code was done by staff and recommendations were developed as a result of that review.

ANALYSIS

There have been a couple of discussions by the County Council recently as to how restrictive the county regulations should be regarding fencing. These discussions have been centered on materials and colors and where such fencing should or should not be restricted.

Fencing around agricultural uses in Morgan County is essential and there is nothing in the Morgan County Code (MCC) which restricts this fencing outside of residential areas. This should remain as is and no further restrictions defined for agricultural fencing.

Fencing around homes and yards in residential areas becomes the next area to consider. Typically this fencing is put up to provide privacy and security. It may also be used to enhance the appearance of property as part of the overall landscaping. Whatever the purpose for fencing, individual preference becomes an important consideration when establishing rules for fencing in residential areas. Height should be regulated to ensure uniformity. The degree to which a fence obscures visions is also a concern in providing for safety such as fencing on corners or areas where clear vision of traffic is critical. But material and color should be left to individual property owners.

Fencing around uses other than single family or duplex residential becomes a different issue. Fencing around multiple family residential, churches, institutional, commercial and industrial uses and utilities serves three basic purposes: (1) screening of adjacent residential uses or other incompatible uses from noise and other intrusions such as glare, outside storage, etc.; (2) providing for security of utility sites such as substations, water tanks and reservoirs, and transformers; and (3) providing for some aesthetics to protect values of surrounding

properties. This is where more restrictions are needed in order to accomplish those purposes. This is often accomplished by providing for a sight obscuring fence arranged in such a way as to obstruct visibility of land uses on a given site from adjacent properties or screening an incompatible use by shielding or obscuring it from abutting or nearby structures or uses from by fencing, walls, berms or densely planted vegetation.

The MCC has fencing regulations in several sections of Chapter 8 and some of them conflict with one another and some fall short of providing these protections. The primary section is 8-6-37 which defines fencing in residential areas. Other sections define fencing around parking lots (8-11-6), around utilities (8-6-18), and around churches (8-6-35). There is no specifically defined section for fencing around commercial or industrial uses.

STAFF RECOMMENDATION

Staff is recommending that Section 8-6-37 be expanded to include all fencing requirements and include new provisions related to fencing for commercial and industrial uses. The recommended amendments are as follows:

8-6-37: FENCE, WALL AND SCREENING FENCING REGULATIONS:

A. Definitions: The following terms used in this Section shall mean:

~~Scope: The term "fence" shall include any tangible barrier, an obstruction of any material, a line of obstacles, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.~~

1. FENCE OR WALL: Any structure or device used for confinement, prevention of intrusion, boundary identification, or screening of an activity.

2. HEIGHT OF WALLS AND FENCES: Fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

3. OPEN-STYLE FENCE: A fence that is at least seventy-five (75) percent open and which does not create a visual hazard for pedestrians and drivers.

4. SCREENING DEVICE: A specific application of a wall or fence to conceal areas used for refuse, mechanical equipment, utilities, parking, multi-family residential developments, and commercial and industrial activities from adjacent residential districts or from street views.

5. SIGHT OBSCURING FENCE: An opaque fence providing a complete visual barrier to persons outside the perimeter of the sight obscuring fence. A slatted chainlink fence shall not be considered a sight obscuring fence.

B. Provisions Constitute Minimum Requirements: In interpreting and applying the provisions of this section, the requirements contained in this section are declared to be the minimum requirements.

C. Fences; Residential Standards:

1. Side Yards and Rear Yards: In any required side or rear yard on lots, the height of fences shall not exceed six feet (6') in height.

2. Front Yards: Fences in required front yards shall be allowed; provided, that solid type fences shall not exceed three feet (3') in height, and ~~open type fences (for example, chainlink fences)~~ a chainlink fence or a fence seventy-five percent open, shall not exceed four feet (4') in height. (75%)

3. Corner or Double Frontage Lots: In addition to the other provisions contained in this section, fences located on corner or double frontage lots shall be subject to the following provisions:

a. Any fence, wall and/or hedge on the front yard setback shall not exceed three feet (3') in height if opaque construction, or four feet (4') in height if open construction as defined in 2 of this subsection.

b. In the side yard setback which fronts on a street, height up to six feet (6') shall be allowed beyond forty feet (40') from the intersection measured from the intersection of extended curb lines. Height within the forty foot (40') area shall conform to the requirements of a front yard setback.

c. Heights on the rear yard setback and interior side yard setback shall not exceed six feet (6').

4. Lots With Slopes: A fence may be built upon a slope greater than fifteen percent (15%); provided, that the following conditions are met:

a. Fences shall be located only upon areas constituting usable land unless otherwise approved by the planning department.

~~b. Fencing materials shall be in conformance with the sensitive lands regulations.~~

eb. The fence shall be built in accordance to this chapter and comply with all restrictions imposed by setbacks, etc., as defined in this title.

Comment [BG1]: There are no specific fencing regulations in the sensitive lands regulations.

dc. All requirements of the sensitive lands regulations shall be met prior to the construction of the fence.

~~e. Fencing on hillside lots shall only be approved in conjunction with an approved landscape plan in conformance with the general plan.~~

Comment [BG2]: In the absence of any specific hillside regulations, this should be deleted.

D. A fence enclosing a recreational facility (whether public or private), such as a tennis court, sports court, swimming pool, etc., may be allowed up to ten feet (10'), as long as it is not sight obscuring, is located at least five feet (5') from the property line, and is not within the minimum front yard setback area. A fence which is greater than ten feet (10') in height and/or closer than five feet (5') to a property line may be permitted with a conditional use permit. All fences in excess of six feet (6') in height require a building permit before construction.

E. Fences: All Other Developments: With the exception of a single-family or two family dwelling on an individual lot, the following shall apply to any lot or parcel:

1. A wall or fence shall be a maximum of six feet (6') in height, with the exception that any wall or solid fence located within twenty feet (20') of a public street shall be a maximum of three feet (3') in height, and any chainlink fence or fence seventy-five percent (75%) or more open, located within twenty feet (20') of a public street, shall be a minimum of four feet (4') in height.

2. Any outdoor storage area shall be screened from view by a minimum six feet (6') high wall or a solid barrier, sight obscuring fence constructed of or finished with materials to match or complement the main building material on site.

3. A solid, sight obscuring fence or wall of masonry, wood, vinyl, or similar material shall be constructed along property lines which adjoin an area which is primarily residential. Such wall or fence shall be a minimum of six feet (6') in height, except that the first twenty feet (20') from the street property line shall be stepped down to three feet (3') in height. The fence or wall shall be constructed of materials compatible with the principal buildings or architectural character of the surrounding neighborhood.

4. Transformers, substations, transmission, pump and/or related generator facilities shall be fenced or screened with a sight obscuring fence or wall constructed of materials compatible with the principal buildings or architectural character of the surrounding neighborhood if located within a commercial or residential area or if located in an industrial, agricultural or open space area fenced for security purposes with a minimum of an open-style fence. All such fences or walls shall be a minimum of six feet (6') in height.

DF. Vacant Lots: For the purpose of this section, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be six feet (6').

EG. Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

FH. Exceptions: The provisions of this section shall not apply to certain other fences such as tennis court backstops or patio enclosures in the front, side or rear yards, if approved by the planning commission, if in its opinion they do not create a hazard or violation of other ordinances.

The following changes to sections requiring fencing are recommended to bring all sections into compliance with Section 8-6-37:

8-11-6: MAINTENANCE OF PARKING LOTS IN MULTI-FAMILY RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENTS:

Every parcel of land used as a public or private parking lot in any multi-family residential, commercial, or industrial development shall be developed and maintained in accordance with the following requirements:

A. Surfacing:

1. Each off street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement and permanently maintained so as to provide a dustless surface.
2. The parking area shall be so graded as to dispose of all surface water.
3. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

B. Screening and Fencing: The screening and fencing of a public or private parking lot in any multi-family residential, commercial, or industrial development shall be in accordance with Section 8-6-37 of this Title. The sides and rear of any off street parking lot which adjoins an area which is to remain primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence compatible with the surrounding area in terms of material, color and size and not less than four feet (4') nor more than six feet (6') in height.

8-6-18: UTILITIES:

All utility lines shall be placed underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed, and no pole or other support structure therefore shall be erected, altered or replaced, upon any lot (outside of any building) above the surface of the ground, except for hoses, movable pipes used for irrigation or other purpose during construction.

A. Transformers, substations, transmission, pump and/or related generator facilities shall be grouped with other utility meters where possible and screened or fenced in accordance with Section 8-6-37 of this Title. at least fifty percent (50%) of the perimeter with evergreen vegetation (irrigation systems required) or other appropriate method, such as solid, one hundred percent (100%) sight obscuring fencing or walls. Gas meters and electric service meters and panels shall be located on the side of the building.

8-6-35: STANDARDS FOR CHURCH AND INSTITUTIONAL DEVELOPMENT IN ALL ZONES:

E. Fencing: As a general rule, fencing be constructed of materials compatible with the principal buildings or architectural character of the surrounding neighborhood shall follow that of the surrounding area and be in accordance with Section 8-6-37 of this Title. However, chainlink fencing is not acceptable unless prior planning commission approval is granted. In cases where chainlink fencing is approved, vinyl coated chainlink mesh will be required.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the text amendment regarding fencing regulations as presented by staff.

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the text amendment regarding fencing regulations as presented by staff.