



PLANNING COMMISSION MEETING

Thursday, October 10, 2024 at 6:30 PM
Council Chambers, 60 West Main, Hyrum, Utah

AGENDA

Public notice is hereby given of a Hyrum Planning Commission Meeting to be held in the Council Chambers, 60 West Main, Hyrum, Utah at 6:30 PM, October 10, 2024. The proposed agenda is as follows:

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION**
4. **APPROVAL OF MINUTES**
 - A. [09/12/2024](#)
5. **AGENDA APPROVAL**
6. **OTHER BUSINESS**
 - A. To discuss and make a recommendation to add a new section to the zoning ordinance providing rules for the placement, construction, height, and location of fences. This change to the ordinance will also require a zoning clearance to place or reconstruct a fence.
 - B. Public and Open Meetings Act Training
https://www.youtube.com/watch?v=xZZ_NwuEWu0
7. **ADJOURNMENT**

Shara Toone
Secretary

Commission Members may participate in the meeting via telephonic communication. If a Commission Member does participate via telephonic communication, the Commission Member will be on speakerphone. The speakerphone will be amplified so that the other Commission Members and all other persons present in the Commission Chambers will be able to hear all discussions. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Hyrum City Planning Commission at 435-245-6033 at least three working days before the meeting.

CERTIFICATE OF POSTING - The undersigned, duly appointed and acting City Secretary of Hyrum City, Utah, does hereby certify that a copy of the foregoing Notice was posted on the Utah Public Notice Website and Hyrum City's Website, provided to each member of the governing body, and posted at the City Offices, 60 West Main, Hyrum, Utah, this 7th day of October, 2024. Shara Toone, Secretary

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING COMMISSION HELD SEPTEMBER 12, 2024 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Brian Carver

PRESENT: Chairman Brian Carver, Commissioners Stephen Nelson, Paul Willardson, and Alternate Member Averie Wheeler. Commissioner Blake Foster came at 6:35 P.M.

EXCUSED: Vice Chairman Angi Bair

CALL TO ORDER: There being four present and four representing a quorum, Chairman Brian Carver called the meeting to order.

OTHERS PRESENT: Zoning Administrator Matt Holmes and eight citizens. Secretary Shara Toone recorded the minutes.

PLEDGE OF ALLEGIANCE: Commissioner Paul Willardson led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Averie Wheeler

APPROVAL OF MINUTES:

The minutes of a regular meeting held on August 8, 2024 were approved as written.

ACTION

Commissioner Stephen Nelson made a motion to approve the minutes of August 8, 2024 as written. Commissioner Paul Willardson seconded the motion and Commissioners Carver, Nelson, Wheeler, and Willardson voted aye.

AGENDA APPROVAL:

A copy of the notice and agenda for this meeting was posted on the Utah Public Notice Website and Hyrum City's website, distributed to each member of the Planning Commission, and posted at the City Offices more than forty-eight hours before meeting time.

ACTION

Commissioner Paul Willardson made a motion to approve the agenda for September 12, 2024, as written.

Commissioner Averie Wheeler seconded the motion and Commissioners Carver, Nelson, Wheeler, and Willardson voted aye.

6. PUBLIC HEARINGS

- A. To receive public comment pertaining to the proposed changes to reduce the length of time a dumpster can be stored within the public right of way and require a detailed written explanation of the reason it should be allowed to be placed in the right of way.
- B. To receive public comment on adding a new section to the zoning ordinance providing rules for the placement, construction, height, and locations of fences. This change to the ordinance will also require a zoning clearance to place or reconstruct a fence.

7. SCHEDULED DELEGATIONS

- A. William Hadfield - To request approval of a setback exception for a pole barn accessory structure to be placed in front of the main dwelling.
- B. Miguel A. Barragan - To request approval of a setback exception for a covered entryway placed in front of the main dwelling at 187 West 100 North.

8. OTHER BUSINESS

- A. To discuss and recommend changes to reduce the length of time a dumpster can be stored within the public right of way and require a detailed written explanation of the reason it should be allowed to be placed in the right of way.
- B. To discuss and make a recommendation to add a new section to the zoning ordinance providing rules for the placement, construction, height, and location of fences. This change to the ordinance will also require a zoning clearance to place or reconstruct a fence.

9. ADJOURNMENT

PUBLIC HEARING:

THE PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENTS REGARDING THE PROPOSED CHANGES TO REDUCE THE LENGTH OF TIME A DUMPSTER CAN BE STORED WITHIN THE PUBLIC RIGHT OF WAY AND REQUIRE A DETAILED WRITTEN EXPLANATION OF THE REASON IT SHOULD BE ALLOWED TO BE PLACED IN THE RIGHT OF WAY.

ACTION

Commissioner Paul Willardson made a motion to open the public hearing at 6:33 P.M. Commissioner Averie Wheeler seconded the motion and Commissioners Carver, Nelson, Wheeler, and Willardson voted aye.

Scott Casas asked what is driving this. He said there aren't any construction projects that last seven days. He said he has some objections to the proposed change. Construction workers are going to leave their trash and debris laying around the job site. He said he would like the Planning Commission to tell him why the change is needed.

ACTION

Commissioner Brian Carver made a motion to close the public hearing at 6:35 P.M. Commissioner Averie Wheeler seconded the motion and Commissioners Carver, Nelson, Wheeler, and Willardson voted aye.

THE PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENT ON ADDING A NEW SECTION TO THE ZONING ORDINANCE PROVIDING RULES FOR THE PLACEMENT, CONSTRUCTION, HEIGHT, AND LOCATIONS OF FENCES. THIS CHANGE TO THE ORDINANCE WILL ALSO REQUIRE A ZONING CLEARANCE TO PLACE OR RECONSTRUCT A FENCE.

Commissioner Stephen Nelson said if it's okay with Planning Commission, he would like a brief presentation prior to accepting public comments, so people in attendance have a better understanding of what they are commenting on.

Chairman Brian Carver said he is okay with that and asked Matt Holmes if he could give a quick description of the proposed changes.

Zoning Administrator Matt Holmes said residents are putting up fences that aren't meeting code and this change to the ordinance would give Hyrum City a chance to review the plan

before they put up the fence. It will also address safety issues, like visibility of children in driveways.

ACTION **Commissioner Stephen Nelson made a motion to open the public hearing at 6:38 P.M. Commissioner Blake Foster seconded the motion and Commissioners Carver, Foster, Nelson, Wheeler, and Willardson voted aye.**

ACTION **Commissioner Paul Willardson made a motion to close the public hearing at 6:39 P.M. Commissioner Blake Foster seconded the motion and Commissioners Carver, Foster, Nelson, Wheeler, and Willardson voted aye.**

SCHEDULED DELEGATIONS:

WILLIAM HADFIELD- SEEKING A SETBACK EXCEPTION FOR A POLE BARN ACCESSORY STRUCTURE TO BE PLACED IN FRONT OF THE MAIN DWELLING.

Bobbi Hadfield said they want to build a pole barn in the front of the house. They want it there because that part of the field doesn't produce hay. She said 300 North is a busy road and the barn would help block out noise and give them privacy. The field is irrigated so it won't flood if they do it in the front, and it would meet the required set back from the road, but it would be in front of the house.

Commissioner Averie Wheeler asked if it is a standard utilitarian barn.

Bobbi Hadfield said there won't be utilities in the barn. It will be used for storage of hay and farm equipment.

Commissioner Stephen Nelson asked if it is going to be enclosed.

Bobbie Hadfield said it will be enclosed.

Commissioner Paul Willardson asked if they could look at the main residence on the property across the street.

Zoning Administrator Matt Holmes said there isn't a residence on that property. It is just a barn.

Commissioner Paul Willardson said it's a unique situation. It's not a typical lot in a subdivision.

Bobbi Hadfield said there aren't any other houses around.

Commissioner Blake Foster asked the size of the lot.

Bobbi Hadfield answered it is a little over 3 acres.

Commissioner Paul Willardson asked if they have talked to their neighbor.

Bobbi Hadfield said they had not, but they could if they needed to. She added that the neighbor's house is set up high so, they would most likely just see over the barn.

Commissioner Paul Willardson said it wouldn't destroy the sight triangle.

Commissioner Averie Wheeler said she has no objections.

Commissioner Stephen Nelson asked if they want findings or justifications for why they approve this one.

Commissioner Averie Wheeler said there is precedence for it next door and it meets the standard building setback.

Commissioner Stephen Nelson said he prefers that they clarify why they are providing the exception. The property is unique and very large, the pole barn is being placed with at least a 25ft setback from the front, it's in character with the surrounding community, and the neighbor has a barn at approximately the same location from the street.

ACTION

Commissioner Averie Wheeler made a motion to approve a setback exception for a pole barn accessory structure to be placed in front of the main dwelling. Commissioner Blake Foster seconded the motion and Commissioners Bair, Nelson, Wheeler, and Willardson voted aye.

MIGUEL A. BARRAGAN - SEEKING APPROVAL FOR A SETBACK EXCEPTION FOR A COVERED ENTRYWAY PLACED IN FRONT OF THE MAIN DWELLING AT 187 WEST 100 NORTH.

Miguel Barragan said he has worked hard to make a safe life. He is 60 years old, and the front of his house faces north and gets very icy.

Mark Webb (Miguel's son-in-law) said the biggest concern is safety. They want to provide a covered walkway so ice will slough off the side. He said it is a unique piece of property. It's elevated so it won't be an obstruction.

Commissioner Blake Foster asked if the top picture presented is the property.

Mark Webb answered yes.

Commissioner Stephen Nelson asked if the area on the west is a driveway.

Mark Webb said it is a driveway.

Commissioner Stephen Nelson said that's a 25ft separation from the driveway.

Chairman Brian Carver asked if there will be sides on the structure.

Miguel Barragan said no.

Mark Webb said the roof will be a durable terracotta material, which matches the front of the house.

Commissioner Blake Foster asked if it will go right up to the house.

Mark Webb said there is space between the structure and the house.

Commissioner Stephen Nelson asked if it will be anchored to the concrete.

Mark Webb said they plan to anchor it to the concrete with sturdy 6x6 inch posts.

Miguel Barragan said it will be 20ft long and 8ft wide.

Commissioner Averie Wheeler said it wouldn't affect the view, because it is almost completely transparent, and it matches the house's esthetic.

Commissioner Paul Willardson asked if there would be a gap between the house and the structure.

Commissioner Stephen Nelson asked how big the gap is.

Miguel Barragan said 3ft or 4ft.

Commissioner Blake Foster asked if the structure will be anchored to the house.

Miguel Barragan said it will not be.

Commissioner Stephen Nelson asked if there is fire separation.

Zoning Administrator Matt Holmes asked if the structure will have power to it.

Mark Webb said there will not be power.

Commissioner Stephen Nelson said that his biggest concern is whether it's a violation of fire code.

Commissioner Paul Willardson said the chances are low, but it's a valid concern.

Commissioner Averie Wheeler said an exception for a setback is not a problem.

Commissioner Stephen Nelson asked how tall it will be.

Mark Webb said it will be about 7ft tall.

Commissioner Averie Wheeler said they could approve it with recommendation to research fire safety.

Commissioner Stephen Nelson asked if Hyrum City has a fire Marshall. He said he is okay with approving the setback exception if the Fire Marshal is okay with it.

Mark Webb asked if he just needs a letter stating that.

Commissioner Stephen Nelson said he would be okay approving it with the condition the Fire Marshal approves, and staff is able to verify it.

ACTION

Commissioner Stephen Nelson made a motion to approve a setback exception for a covered entryway placed in front of the main dwelling at 187 West 100 North, with condition upon receiving a letter from the Hyrum City Fire Marshall stating that it doesn't pose a significant risk. Commissioner Paul Willardson seconded the motion and Commissioners Carver, Foster, Nelson, Wheeler, and Willardson voted aye.

OTHER BUSINESS:

DISCUSSION AND RECOMMENDATION TO THE CITY COUNCIL TO REDUCE THE LENGTH OF TIME A DUMPSTER CAN BE STORED WITHIN THE PUBLIC RIGHT OF WAY AND REQUIRE A DETAILED WRITTEN EXPLANATION OF THE REASON IT SHOULD BE ALLOWED TO BE PLACED IN THE RIGHT OF WAY.

Zoning Administrator Matt Holmes said the code to restrict the placement of dumpsters on public right of ways has already been approved, but it has an empty number of days allowed. Sixty days was recommended and that was what was voted on, but one of the City Council members felt like sixty days was excessively long. The primary objective is to get people to place dumpsters somewhere other than the right of way, unless there is some compelling reason not to. The initial proposal is seven days with a seven-day extension. It is assumed that people are going to have a place to put a dumpster or the construction project will be short enough that it won't need to be there very long.

Commissioner Paul Willardson said he likes it. If someone is doing flooring or carpet, it might take one to two weeks and the dumpster is gone. If someone is building a home, there needs to be provisions made for them.

Commissioner Averie Wheeler asked if the seven days is continuous with an extension. She asked if they could take it away and bring it back a month later.

Zoning Administrator Matt Holmes said they could bring it

back with a new permit.

Commissioner Stephen Nelson said it says "accepted city street", which is defined as "a road that has been built and dedicated for public travel and has completed the necessary warranty period." He asked if the warranty period is one year.

Zoning Administrator Matt Holmes said the warranty is one year, unless there is compelling evidence to make it a longer period.

Commissioner Stephen Nelson said that this doesn't really apply to developers. When a subdivision gets built, they can keep their dumpster on the right of way because the street has not passed the warranty period.

Zoning Administrator Matt Holmes said they wrote that in there because that is where dumpsters are going to be used the heaviest and there won't be a lot of traffic on those streets.

Commissioner Paul Willardson said he thought one of the main safety concerns is when the first few houses are finished and families move in, but the neighbors' houses are being built, and kids are walking to catch the bus, etc. According to this ordinance, it doesn't protect those people. He asked how long it takes from when a development finishes the road to when all the houses are built.

Zoning Administrator Matt Holmes said it depends on the developer.

Commissioner Stephen Nelson said he doesn't have an issue with seven days, with an extension of seven days.

Commissioner Paul Willardson said he was worried about the seven days, with the extension of up to two weeks. He doesn't feel like a non-developer would need to do that.

Commissioner Averie Wheeler said with major construction, the yards most likely won't be done and they can put the dumpster on the property.

Commissioner Blake Foster asked if it's an issue if it's in someone's yard or driveway.

Zoning Administrator Matt Holmes said no it's not. He asked if they had any other recommendations.

Commissioner Stephen Nelson asked if there are concerns with dumpsters placed on the right of way during winter months.

Zoning Administrator Matt Holmes said they are not supposed to be on streets at all during winter months.

Commissioner Paul Willardson asked if that is part of the parking ordinance.

Zoning Administrator Matt Holmes said section 3d says, "Be subject to winter parking restrictions."

Commissioner Paul Willardson asked what if there isn't room in someone's front yard to put a dumpster for a remodel project. He asked what that homeowner can do.

Zoning Administrator Matt Holmes said most houses in Hyrum have a 25ft setback.

Commissioner Paul Willardson asked if the main reason for this is to get dumpsters off the road long term for safety concerns as people drive down the roads.

Zoning Administrator Matt Homes said sometimes they aren't marked and are hard to see in the dark, plows push snow up against them and then snow comes right back into the road or they don't see them and run into them. They cause visibility issues when people are pulling out of their driveways.

Chairman Brian Carver said it used to be 60 days and they are being requested to consider 7 days with a 7 day extension if needed.

Zoning Administrator Matt Holmes said they might want to think about if they were doing a project in their house, and could only work on it evenings and weekends, if seven days with and extension of seven days would allow them time to finish their project.

Commissioner Paul Willardson asked if it must go on the residents' property if they can't provide a reason of why it can't.

Commissioner Averie Wheeler asked what the permit would cost.

Zoning Administrator Matt Holmes said it wouldn't be a

financial burden to people. It would be like the RV permit, with a review process and no cost.

Commissioner Stephen Nelson said he wants to be accommodating to people, but people's projects shouldn't spread out into the street. There should be enough space on most people's driveways, although that may cause cars to park on the streets. He added dumpsters might be harder to access in the driveways.

Commissioner Paul Willardson said his trepidation is that a lot of the infrastructure that's built on the owner's side of the right of way line isn't made for those big garbage trucks driving back there to get those dumpsters. It could cause damage to the property. He said it's not right for everything to be thrown out on the street, but he doesn't want everything on his property damaged because of the dumpster.

Commissioner Blake Foster said they could make it 10 days with a 10 day extension and add that there must be reflector cones or something marking them.

Zoning Administrator Matt Holmes said they already have that they must possess reflective decals and/or be marked with traffic delineators sufficient to not constitute a driving hazard appropriate to the driving conditions.

Commissioner Stephen Nelson asked if they have anything to ensure they are placed outside of the site triangle.

Zoning Administrator Matt Holmes said 3b says, "Not obstruct traffic or be placed in the traveled way."

Commissioner Paul Willardson said that just means it's not going to stop cars from driving by.

Zoning Administrator Matt Holmes said it does say, "no constituted driving hazard", and the site triangle portion of the code already covers that you can't have anything over 4ft in that triangle.

Commissioner Stephen Nelson asked if anyone else has issues with the "accepted street". Developers have a year to have a dumpster, but what about the small builder that is only building or remodeling one house.

Commissioner Averie Wheeler asked if they have looked at precedence set by other cities.

Zoning Administrator Matt Holmes said they have not looked at what other cities have set for dumpsters.

Commissioner Stephen Nelson asked if there is a rush or if they could have a month to think about it.

Zoning Administrator Matt Holmes said it was going to go to City Council next week for discussion, but they could postpone to next month.

Commissioner Blake Foster said they should be able to come to a recommendation, but he feels the time might be too short.

Commissioner Paul Willardson agreed that the time is too short.

Commissioner Blake Foster said let's go 10 days with a 10 day extension.

Commissioner Paul Willardson said he thinks it should be 30 days with a week extension.

Chairman Brian Carver agreed on the 30 days.

Zoning Administrator Matt Holmes said they still have to show a need for it to be on the right of way.

Commissioner Paul Willardson said the hope is that residents will just put it on their own property and they don't need a permit.

Commissioner Blake Foster said 30 days with a 7 day extension is very reasonable.

Commissioner Stephen Nelson said his recommendation is to extend it to 30 days with one extension of no more than 7 days, but also remove "accepted city street" out of the code.

Commissioner Paul Willardson asked when a street is dedicated.

Zoning Administrator Matt Holmes said as soon as the plat is done.

Commissioner Paul Willardson asked if they could change the wording to say, "open to public traffic".

Commissioner Stephen Nelson said maybe say "a city street means a road that has been built and dedicated for public travel", and take out "has completed the necessary warranty period". He said he would also add city to the second time it references accepted city street, so it's not confusing.

Commissioner Paul Willardson asked Matt why they want "accepted city street".

Zoning Administrator Matt Holmes said he added that as a compromise. He felt it was fair to give them a period to finish their construction.

Commissioner Paul Willardson asked if there is a happy medium they can come to. Stephen wants no dumpsters on any dedicated street. Period. Matt wants to give them a little bit of time to get their houses built, then get the dumpsters off the street.

Zoning Administrator Matt Holmes said maybe we say they must remove the dumpster after a portion of the houses are built on the street.

Commissioner Paul Willardson said he doesn't want it to be harder for the single lot person, whereas a large developer goes and does all of this. They have an unfair advantage.

ACTION

Commissioner Stephen Nelson made a motion to recommend approval to change 15.08.095 Construction Deposits - Lot Identification section C2 to say "This dumpster shall not be stored on an accepted city street or within the right of way of an accepted city street without a permit issued by the City Engineer or their designee. The permit shall be for a period not to exceed thirty (30) days, with one extension of no more than seven (7) days. The permit shall be accompanied by an exhibit detailing the placement of the dumpster and a detailed written explanation of why it cannot be placed on the owner's property. a. Accepted city street means a road that has been built and dedicated for public travel." Commissioner Blake Foster seconded the motion and

Commissioners Carver, Foster, Nelson, Wheeler, and Willardson voted aye.

DISCUSSION AND RECOMMENDATION TO THE CITY COUNCIL TO ADD A NEW SECTION TO THE ZONING ORDINANCE PROVIDING RULES FOR THE PLACEMENT, CONSTRUCTION, HEIGHT, AND LOCATION OF FENCES. THIS CHANGE TO THE ORDINANCE WILL ALSO REQUIRE A ZONING CLEARANCE TO PLACE OR RECONSTRUCT A FENCE.

Chairman Brian Carver said they have definitions of what fence terms mean to clarify throughout Hyrum City code. Matt has pulled out a point of discussion on the transparency of fences. He asked what would be a good maximum opacity to have.

Commissioner Stephen Nelson said if everything is horizontal you can still see through it when you are nearly parallel with the fence. If it is vertical, then you can't see through it. It's not really transparent, even if it's 50%, it still could obstruct traffic.

Commissioner Paul Willardson asked Matt to give more detail for why they need this. He wanted to know what Matt has been seeing in Hyrum.

Zoning Administrator Matt Homes said people will put in fences because a permit is not required, but then there are issues, such as people fencing in meters. Hyrum City staff is then required to go behind a fence, where there might be dogs or kids, to access the meter. There are other general problems, like fences you can't see through or too close to sidewalks. Those are the general ideas of why he felt it was appropriate to bring everything into a single portion of the ordinance and make it easier.

Commissioner Stephen Nelson said another thing they should discuss is in D1, "lots fronting on two city streets shall meet the front yard requirements along both frontages". Essentially, if you have a corner lot, you can't do a 6ft fence along your side/back property. It must be 4ft. He said they might want to clarify at what point it can go up to 6ft. He said he has dealt with this issue in other cities, and it is going to make so many people angry. It will be impactful to a lot of residents. He added trails is defined in the ordinance, but he's not sure trails is referenced anywhere. He has seen in other municipalities that if you have a fence along a trail it must be transparent or 4ft tall,

to prevent it from becoming an alleyway.

Commissioner Paul Willardson said he has talked to people who do not like the trail walkers looking in their backyard. They want their privacy.

Commissioner Stephen Nelson said he's not sure he's ready to make a recommendation. He said he is curious about other's opinions about corner lots, whether that is something they want to pursue.

Chairman Brian Carver said he worries about having 4ft fence along the entire frontage. People are going to have an expectation of privacy in their back/side yard. A solution could be allowing it to go to 6ft once it's out of the vision cone.

Commissioner Stephen Nelson said he was in another Municipality and that city required 4ft across the entire frontage. He ended up changing that because there was so much push back.

Commissioner Paul Willardson asked what the compromise was on that.

Commissioner Stephen Nelson said they ended up letting them have it at the height at the front yard setback or the front plane of the home to the side yard and back as long as it didn't interfere with the site triangle.

Chairman Brian Carver asked if there are any recommended changes or if they want to continue the conversation with a little more research.

Commissioner Stephen Nelson said he would feel more comfortable with a another month to think about it. He asked if there is a rush to make a decision.

Commissioner Paul Willardson said he would like to see a diagram.

Zoning Administrator Matt Holmes said he had some, he just failed to include it in the packet. He said he will print those out.

Commissioner Paul Willardson said he would like to wait until next month. It would be good to have examples to be able to

compare and contrast.

ACTION Commissioner Paul Willardson made a motion to table this delegation until the next planning commission meeting and reconvene the discussion after they research it a little more. Commissioner Blake Foster seconded the motion and Commissioners Bair, Nelson, Wheeler, and Willardson voted aye.

ADJOURNMENT:

ACTION There being no further business before the Planning Commission, the meeting adjourned at 7:41 p.m.

Brian Carver
Chairman

ATTEST:

Shara Toone
Secretary

Approved: _____
As Written

17.70 Fence Regulations

17.70.010 Definitions

The following terms used in this title shall have the respective meanings hereinafter set forth.

Fence - A tangible barrier or obstruction, with the purpose, intent, or effect of obstructing passage or view across an area constructed of materials that includes but is not limited to; wooden posts, wire, iron, aluminum, vinyl, shrubs, bushes, hedges, walls, chain-link, rails, and any other material used as a boundary, means of protection, privacy screening, enclosure, or confinement.

Opacity – The measure of which an object restricts clear vision or passage of light.

Opaque Fence - Any fence, including any gates, that obstructs light or direct vision through a significant portion of the fence including posts. Examples include vinyl, wood, slats, concrete, brick, and blocks. Multiple fences, including plantings, that in a combined effect obstruct light or vision may be considered an opaque fence.

Public Trail - A corridor of property designated by the City for the purposes of non-motorized transportation, such as hiking, walking, jogging, running, horseback riding, cycling, or other similar uses, including any future trails identified in an official document of the City.

Transparent/Open Fences - A fence, including any gates, that permits direct vision through any one section/panel fence including post. Examples include chain link, hog wire, metal rod, and some post and rail fences. Transparent fences shall have a maximum opacity of **twenty-five (25) / fifty (50)** percent.

17.70.020 General Requirements

- A. A zoning clearance is required to build a fence.
1. The Zoning Administrator shall have the authority to review applications and grant permits for fences.
 2. A fence permit shall be valid for one (1) year from the day it is issued.
 3. The applicant may appeal a denied permit with Appeal Authority within (10) calendar days after approval or denial of a permit as defined in HCC 17.16 Appeals.
 4. Any new fence or the reconstruction of an existing fence is subject to the requirements of this Section.

- B. All utility meters must be readily accessible in an unfenced area of the front or side yard including the following restrictions:
1. Utilities not owned by the City are subject to this requirement.
 2. Water or irrigation meters not located within the park strip.
 3. Temporary meters for construction or short-term purposes.
 4. Gates do not qualify for an accessible, unfenced area.
- C. Fence heights are subject to building code requirements of the current building code accepted by State Code.
- D. Front Yards: No fence shall be erected in any front yard setback area to a height in excess of four feet (4') and shall be of transparent construction within **fifteen (15) / twenty (20)** feet of a driveway;
1. Lots fronting on two city streets shall meet the front yard requirements along both frontages.
 2. Where a lot has no vehicular access adjacent to a street as restricted by plat or deed, the City may deem this as a rear yard. Fences along a frontage that is not restricted may still be subject to the front yard requirements.
 3. Where vertical utility features such as pedestals and transformers are installed, the fence is not allowed to be constructed within three (3) feet of the base of the feature.
- E. Rear and side yards: No fence shall be erected or maintained in any side or rear yard to a height in excess of seven feet (7') without a building permit and shall be subject to the limitations identified herein for fences bordering Public Trails, corner lots, and adjacent to streets.
- F. Under no circumstances shall a fence, structure, or landscaping element interfere with property address identification. Landscaping elements exclude varieties of trees approved by the Zoning Administrator. Any conflicts between this Chapter and other portions or provisions of the HCC shall be governed by the more restrictive or limiting provision.
- G. The height of the fence shall be measured from the lowest adjacent ground. Example: a fence on top of a retaining wall.
- H. Fencing types and materials may be combined so long as non-permitted elements do not exceed four feet (4') in height.

- I. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or public easements shall open inward toward the property owner's yard.
- J. Fences shall not be built within one foot (1) of a sidewalk or the anticipated location of a future sidewalk.
- K. All rear yards shall provide gate access for emergency purposes, which access shall be at least four feet wide.
- L. J. Gates in rear or side yards shall be subject to driveway distance requirements in respect to distances from property lines and road intersections.

17.70.030 Corner Lots and clear view triangles

A clear view triangle at all intersections shall be kept clear of obstructions significantly limiting the sight of drivers. This triangle shall be measured having two legs of forty feet and the area contained between them, measured from the intersection of the right-of-way lines or the projection of the right of way lines as determined by the City Engineer.

1. Fences or other objects in excess of four feet (4') shall not be placed on any corner lot within a clear view triangle.
2. Landscaping including berms, plantings and trees, except trees pruned appropriately to permit automobile drivers an unobstructed view are also restricted in this area. The lowest limb or foliage shall not obstruct view under eight (8) feet as measured from the adjacent ground or the roadway, whichever is higher in elevation.
3. For driveways and fences along city trails, this triangle may be reduced to a distance of **fifteen (15) / twenty (20)** feet back from the intersection of driveway and sidewalk, or driveway and property line where no sidewalk exists.

Insert diagram here: Diagram pending