



**CLINTON CITY PLANNING COMMISSION  
CITY HALL  
2267 North 1500 W Clinton UT 84015**

**Planning Commission Members**

*Chair – Jolene Cressall  
Vice Chair – Mark Gregersen  
Jolene Cressall  
Dereck Bauer  
Dan Evans  
Tony Thompson*

<b>Date of Meeting</b>	<b>May 19, 2020</b>	<b>Call to Order</b>	<b>7:00 p.m.</b>
<i>This meeting was conducted electronically.</i>			
<b>Staff Present</b>	Community Development Director Valerie Claussen and Lisa Titensor recorded the minutes.		
<b>Citizens Present</b>	Jamila McFarland, Deanne Upshaw		
<b>Prayer or Thought</b>	Commissioner Thompson		
<b>Roll Call &amp; Attendance</b>	Present were: Commissioner’s Tony Thompson, Dan Evans, Mark Gregersen, Gary Tyler, Dereck Bauer and Jolene Cressall		
<b>Declaration of Conflicts</b>	There were none.		
<b>PUBLIC HEARING: REVIEW AND ACTION ON A REQUEST BY JAMI MCFARLAND FOR A CONDITIONAL USE PERMIT FOR A TEMPORARY PRODUCE STAND TO BE LOCATED AT THE NORTHWEST CORNER OF 2300 NORTH AND 2000 WEST (PARCEL NO. 13-050-0004).</b>			
<b>Petitioner</b>	Jamie McFarland		
<b>Discussion</b>	<p>Ms. Claussen reviewed the information included in the staff report:</p> <ol style="list-style-type: none"> <li>1) The proposal consists of a temporary produce stand to operate from about the second week in July through the first week of September in the parking lot of the unoccupied building located at the northwest corner of 2300 North and 2000 West. Hours of operation proposed are 9 am to 6:30 pm.</li> <li>2) The property is vacant and currently listed for sale. This use is intended to be temporary, although depending on the sale of the property, they would like to operate at this location in subsequent seasons. The Planning Commission may choose to approve the CUP for a single year or for multiple years (with possible renewal prior to expiration). In any case, written authorization of the property owner is required to be provided to the City prior to each season. Staff recommends a three year approval, however the timeframe is up to the discretion of the Commission.</li> <li>3) Proposed signage is a banner tacked to the stand, which could be considered consistent with the City’s requirements for banners being attached to buildings. A separate free standing temporary sign advertising one of their top seller items is also proposed and approved so long as it is located on-site, outside of the public rights-of way and clear vision triangles.</li> <li>4) CUP REVIEW FINDINGS: The proposed use is (a) not detrimental to persons or property, (b) consistent with the objectives of the General Plan (c) compatible with the character of the site, adjacent properties and surrounding neighborhoods. (The Design Compatibility finding is not applicable for temporary uses.) The site can accommodate a temporary produce stand, has sufficient parking for both employees and customers, will not generate excessive traffic not already otherwise present in a commercial zoned corner, and the access to the property is obtained off of 2300 North.</li> </ol>		

- 5) Required Public Notice was made. No public comment was received prior to the meeting date.
- 6) Conditions of Approval are recommended and attached for review.

**CONDITIONS OF APPROVAL**

- 1) This approval is for a Conditional Use Permit (CUP) for a temporary produce stand located at the northwest corner of 2300 North and 2000 West (Parcel No. 13-050-0004). The CUP will expire [3] years from the date of approval. Prior to expiration, an application for renewal of the CUP Permit may submitted, reviewed and forwarded to the Planning Commission for possible renewal.
- 2) The temporary produce stand is seasonal and will operate from July through September. Hours are approximately 9 am to 6:30 pm, Monday through Saturday.
- 3) The applicant shall obtain and provide the City the written authorization from the property owner prior to commencing business each season. The CUP is only valid with the property owner’s permission, and may expire sooner if property is sold and new owner does not authorize such use.
- 4) The banner attached to the produce stand and the 3x5 on-site sweet corn sign are approved. (Temporary signage shall only be located on the private property with which the business is operating, not within any public rights-of-way, or within the clear vision triangle at intersections.)
- 5) Prior to operating, the applicant shall obtain a Temporary Business License from the City, and shall also obtain any applicable County and State approvals/licenses.

The approval letter from the property owner is included as Attachment A.

Ms. McFarland addressed a public comment from Deanne Upshaw who typed in the chat of her support of a produce stand and concern for the area to be kept clean. She said the property will be cleaned up prior to bringing in the stand and maintained throughout the use.

Ms. McFarland then commented the intent is to provide the community with another option of obtaining fresh produce.

Commissioner Gregersen asked Ms. McFarland if she can comply with the written letter of consent and obtain a temporary business license each year.

Ms. McFarland replied she has no issue with complying with these requirements. They have four other stands in nearby cities and this is a standard requirement.

Commissioner Evans asked if McFarland plans to continue each year with this stand.

Ms. McFarland responded as long as this property is available, the intent is to continue as long as it is sustainable.

Ms. Claussen provided the Planning Commission with a visual of the proposed stand which is included in the staff report.

Ms. McFarland described the design and materials of the stand.

Commissioner Cressall opened the public hearing at 7:22 p.m. and with no comment, closed the public hearing at 7:23 p.m.

Ms. Claussen reported for the record that Deanne Upshaw chatted another comment stating she is not concerned about a produce stand as much as she is about the condition of the space today.

**CONCLUSION**

*Commissioner Bauer moved to approve the CUP request for a temporary produce stand located at the northwest corner of 2300 North and 2000 West for a term of [3] years, after which time the CUP would be eligible for review and possible renewal based on the proposed conditions. Commissioner Tyler seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Evans, aye; Commissioner Gregersen, aye; Commissioner Thompson, aye; Commissioner Tyler, aye and Commission Cressall, aye.*

**PUBLIC HEARING: REVIEW AND POSSIBLE ACTION ON ZONING TEXT AMENDMENTS TO PROVISIONS IN CHAPTER 2 AND CHAPTER 3 REGARDING SETBACK ENCROACHMENTS AND CHAPTER 4 REGARDING DRIVEWAY PROXIMITIES TO INTERSECTIONS AND CURB CUTS.**

**Petitioner** J Valerie Claussen, Community Development

Ms. Claussen reviewed the following information included in the staff report:

- (1) Following up on a discussion item the Commission held at the April 7, 2020 Planning Commission Meeting, regarding permitted projections in setbacks, additional comparison of other city’s standards is provided and the proposed text amendment is discussed in the attachment.
- (2) At a request by a resident and also with Staff identifying some issues with the clear vision triangle being applied to single-family residential development , revisions to the definitions are proposed with a reduction in distance from 40 feet to 20 feet in regards to fencing and in proximity to intersections (for driveway locations).
- (3) Curb cuts were another item that had been hoped to have been ready for discussion and review, but those changes are quite substantive and will have to be brought forward at a later date.

The Commission agreed to discuss the items separately.

**1) Setback Projection Text Amendment Discussion and Analysis**

The standards from several different communities are summarized in the table below:

CITY	DESCRIPTION	ENCROACHMENT	PERCENTAGE OF LENGTH
Gilbert, AZ	<i>Very Urban</i>	3 ft front, rear & side yards in single family for bay windows (and cantilever); 1.5 ft for pop-outs & arch features; 5 ft for roof overhang side yard, not closer than 3 feet to prop line; 1.5 feet for roof overhang rear yard	Bay window not more than 1/3 length of wall
Douglas County, NV	<i>Very Rural</i>	Up to 50% of front, rear and street-side yard; 2.5 ft of side yard (min of 4.5 ft clearance provided);	
Fernley, NV	<i>Very Similar</i>	2 ft side yard & 4 ft rear yard	
Syracuse, UT	<i>Local Example</i>	2 ft front, side & rear yards; Cluster subdivisions w/ less than 7 feet side yards cannot encroach	Not more than 16 feet in width
Clearfield, UT	<i>Local Example</i>	2 ft side & rear	
Layton, UT	<i>Local Example</i>	2 ft front, side & rear yards; 4 ft for eaves & roof overhangs	Not more than 20% of wall for cantilever
Pleasant View, UT	<i>Local Example</i>	5 ft front, side & rear yards	
West Point, UT	<i>Local Example</i>	Ordinary projections of skylights ornamental features, chimneys & flues permitted;	

**Discussion**

Examples from very urban and very rural communities have been included for comparison; as well as similar and local communities. The majority of communities with similar development patterns allows for a two foot encroachment in the front, side and rear yards for bay windows, chimneys, architectural features and roof overhangs.

While many of the Codes have a separate “Projection in Setback” type sections, that is somewhat inconsistent with our Code’s format that (unfortunately) has many standards scattered throughout the definitions chapter. The City has been enforcing no “pop-outs” or setback encroachments from this definition for years, so it is believed to be sufficient to modify in the same provision. The proposed revision to Chapter 2 “Setback” definition is for two feet on front, side and rear setbacks, and exclusion for side yard setback encroachments in the PH (Patio Home) zone. The proposed text amendment is listed below for reference:

**“Setback”** <sup>95, 104, 190</sup> means the measurement taken from the property line to the outer surface of the building wall at its furthest extension toward the lot line. Building wall shall be

~~interpreted to~~ does not include any cantilevered exterior walls, bays, or bump-outs extending beyond the foundation of two feet or less. Such setback encroachments are not permitted in the side yards of the PH Zone.

Commissioner Bauer and Commissioner Gregersen questioned if percentages is appropriate to measure the encroachment vs. feet. If percentage pertains to the length along the boundary rather than how far it intrudes into the boundary.

Ms. Claussen referred to the table and explained the proposed text amendment of the definition of setback does not include percentages. However, she feels percentages are less arbitrary than using a maximum number of feet.

Commissioner Gregersen then asked if the intent for the relief in the current restrictions is to enhance the aesthetics of the community and asked what setbacks are typical and how much space will be left for a firefighter to gain access around the house.

Ms. Claussen confirmed it does improve the aesthetics and on the smallest lots in the City it could be six feet between the pop outs.

Commissioner Tyler commented he thinks variations add interest and appeal to a building. He is leaning toward not requiring a percentage because bump outs and cantilevers lend themselves to walls; he is in favor of allowing a 2' encroachment without requiring a maximum length.

Commissioner Bauer questioned why not change the setback rather than allow encroachments.

Commissioner Tyler responded he feels that would be a detriment to the aesthetics in the community because square footage is so important. Setbacks measure from property line to foundation.

The Planning Commission discussed if allowing encroachments on patio homes is appropriate. They expressed a desire to provide adequate access in case of a fire. Architectural features are desirable for aesthetics. The Building Code will still need to be met and the bump-out cannot encroach on the building code setback.

Commissioner Cressall opened the public hearing for comments regarding the setback encroachments at 7:57 p.m. and with no public comment, closed the public hearing at 7:58 p.m. The motion is identified below and listed as Motion #1.

## 2) Proximity to Intersection and Visual Clearance Triangle Text Amendment Discussion & Analysis

This text amendment has been made at the request of a resident that it looking at purchasing a new home and in reviewing the current requirements for driveway locations and intersections in the single family zones who felt forty feet was excessive. Staff has also identified over the last couple of years that corner fencing often comes up as an issue for residents. The City's requirement for fencing to be located outside of the 40 foot clear vision triangle on residential (local) streets is extreme when in context the current definition describes increased traffic and non-residential settings. In consultation with the City Engineering and Public Works, a reduction in the visual clearance triangle to 20 feet may be appropriate.

The following table summarizes the triangle distances of surrounding cities:

CITY	SITE TRIANGLE DISTANCE <sup>1</sup>
<b>Clearfield, UT</b>	<i>10 feet</i>
<b>Pleasant View, UT</b>	<i>15 feet</i>
<b>Kaysville, UT</b>	<i>20 feet</i>
<b>Syracuse, UT</b>	<i>20 feet</i>
<b>Bountiful, UT</b>	<i>30 feet</i>
<b>Layton, UT</b>	<i>30 feet</i>
<b>West Point, UT</b>	<i>20 feet rear/ 40 feet front</i>

Chapter 4 revisions consist of reducing the Proximity to Intersection standards from 40 feet down to 20 feet. Proposed changes to Chapter 2 are the Visual Clearance Triangle definition, so that it can be used in conjunction with the standards administered during plan review, which also makes the definition consistent with the single time the term is mentioned in the Chapter 3 Fence Regulations. In addition, reference to Sight Triangle is added and then the Sight Triangle definition has been revised to cross reference Visual Clearance Triangle for residential standards. Should a circumstance arise in a residential setting that such a corner lot is not located on two local roads the City Engineer may require an increase in the triangle distance up to 40 feet.

Ms. Claussen referred to the following definitions with proposed changes for discussion.

**“Sight Triangle”** 126 means the triangular area at the intersection of two streets or a street(s) and drive designed for increased traffic flow into a commercial, light manufacturing, office or similar area formed by measuring a distance of 40 feet along both lot lines back from the point of intersection of said lines. Where no lot line exists or where the lot line is less than 9 ½ feet from the back of the curb measuring distance shall be 49 ½ feet from the back of curb or edge of asphalt. At no time shall the sight triangle be less than 40 feet from the planned right-of-way line for a street. (Refer to Visual Clearance Triangle for residential standards.)

**“Visual Clearance Triangle”** 126 the triangular area at the intersection of two local (residential) roads measuring a distance of 20 feet along the front property lines/street right-of-way lines to the point of intersection of the two lines. If increased traffic flow is identified (e.g. residential lots are not at an intersection of two local roads), the City Engineer may require a Sight Triangle distance of up to 40 feet. see (Refer to Sight Triangle for non-residential standards.)

**“Proximity to Intersection”**: Driveways shall be located a minimum of **twenty (20)** feet from any street intersection. Said measurement to be taken from the point of intersection of the two converging front lot lines lying tangent to and in the same direction as the front lot lines, to the edge of the driveway.

A letter submitted by a resident requesting the change to Proximity to Intersection is included as Attachment B.

Ms. Claussen clarified that Mr. Cluff, the City Manager is not in favor of reducing the visual clearance triangle to 20 feet; he recommends no less than 30 feet.

Ms. Claussen responded the site triangle definition determines distance from the property line versus being taken from back of curb.

<sup>1</sup> Corrections made to this table were to incorporate a conversion of measuring the distance of the clear triangle from property line, versus the back of curb. Also, another comparison City was included in the table as well. Bountiful as a 30 foot setback and have found that to work well with the topography they have in their city; whereas, Clinton is flat and would not have the same visibility challenges.

	<p>Commissioner Tyler stated he is in favor of the proposed changes to sight triangle and visual clearance triangle; his concern is with proximity of intersection, he is against changing it from 40' to 20'.</p> <p>Commissioner Bauer agreed with Commissioner Tyler that it should remain at 40.</p> <p>Commissioners Evans and Cressall also agreed 20 feet is too close.</p> <p>Commissioner Cressall opened the public hearing at 8:22 p.m. and with no comments, closed the public hearing at 8:23 p.m.</p> <p>Commissioner Thompson commented the difference between 20 feet and 40 feet depends on how the home is oriented on the property. He would prefer 40' for safety at the intersection.</p> <p>Commissioner Gregersen commented he leans toward 30 based on a commercial vs. residential.</p> <p>The Planning Commission agreed to postpone the discussion on curb cuts to a later date.</p>
CONCLUSION	<p><b><i>Motion #1 - Commissioner Gregersen moved to approve the "Setback" definition as proposed: "Setback" <sup>95, 104, 190</sup> means the measurement taken from the property line to the outer surface of the building wall at its furthest extension toward the lot line. Building wall does not include any cantilevered exterior walls, bays, or bump-outs extending beyond the foundation of two feet or less. Such setback encroachments are not permitted in the side yards of the PH Zone. Commissioner Tyler Seconded the motion. Voting by roll call is as follows: Commissioner Bauer, nay because he feels if there is a vertical line drawn in space as a setback, it should be held; Commissioner Evans, aye; Commissioner Gregersen, aye; Commissioner Thompson, aye; Commissioner Tyler, aye and Commission Cressall, aye.</i></b></p> <p><b><i>Motion #2 - Commissioner Tyler moved to approve the proposed "visual clearance triangle" definition and leave the driveway at 40' proximity to intersection. Commissioner Bauer seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Evans, aye; Commissioner Gregersen, nay; Commissioner Thompson, aye; Commissioner Tyler, aye and Commission Cressall, aye.</i></b></p>
OTHER ISSUES	<p><b>a. Approval of April 21, 2020 Planning Commission Meeting Minutes</b>  <b><i>Commissioner Bauer moved to approve the minutes of the April 21, 2020 Planning Commission Meeting. Commissioner Evans seconded the motion. Commissioners Evans, Evans, Gregersen, Thompson, Tyler and Commissioner Cressall voted in favor.</i></b></p> <p><b>b. City Council Report</b></p> <p><b>c. Commission Reports</b></p>
ADJOURNMENT	<p><b>Commissioner Bauer moved to adjourn. Commissioner Evans seconded the motion. Commissioners' Bauer, Evans, Gregersen, Thompson, Tyler and Cressall voted in favor. The meeting adjourned at 8:54 p.m.</b></p>