



**SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD  
NOVEMBER 16, 2021**

Planning Commission meeting minutes are not an exact transcript and represent key points and the basis of discussion.

1. **CALLED MEETING TO ORDER**– By Michael P. Griffith at 6:15 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL OF MEMBERS**

**THOSE PRESENT:**

Michael P. Griffith, Patricia Connell, Doug Magee, Steve Hannan, Andrew Gay, Tim Knapp

**THOSE ABSENT:**

T.O. Owens

Mr. Griffith moved to excuse T.O. Owens from the meeting.

The following votes were cast on the motion:

Those voting Yes: Griffith, Connell, Magee, Hannan, Gay, Knapp

Those voting No:

Those Absent: Owens

The motion carries 6-0

**ALSO PRESENT:**

Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, Manager of City Planning and Development; Emily Grogg, Sr. Ass't. City Attorney; Josie Suk, Systems and Administrative Manager; Jonathan Moore, City Planner; Abigail Ogg, Recording secretary/ Administrative Specialist; Heidi Van Gieson, Administrative Specialist.

4. **APPROVAL OF MINUTES**

October 5, 2021. The minutes stand approved as printed.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

**7. PUBLIC COMMENT**

There was no one wishing to speak. Public Comment was closed.

**8. PUBLIC HEARINGS**

**Major modification of a Residential Privacy Fence, generally located at 7400 Simms St.**

Mr. Griffith opened the public hearing, and asked staff if the required documents were in order.

Mr. Moore stated that three forms of notice are required. Staff published notice in the paper, the mailing affidavits and posting log are both in order. There were no additions or corrections added to the staff report.

Mr. Griffith entered into record the staff report dated November 16, 2021, affidavit of mailing, and posting log.

Mr. Moore gave a brief overview of the project. Chris and Samantha Clopper are requesting approval of a major modification to increase the maximum height allowed for a solid fence in the front setback.

Mr. Griffith asked the applicant to present their project.

Chris Clopper, applicant, explained the site layout, surrounding area and the current fence. He stated the goals for a Major Modification would be adding privacy and safety while reducing the noise and light pollution.

Mr. Griffith opened the hearing for comments from the public.

**PUBLIC COMMENT**

None

**IN FAVOR**

None

**IN OPPOSITION**

None

**APPLICANT REBUTTAL**

There being no one wishing to speak Mr. Griffith closed public comment.

**QUESTIONS FROM THE COMMISSION**

Mr. Magee asked the applicant if the elevation of the property is fairly flat or if the house rises above the fence.

Mr. Clopper stated that a higher fence would help obstruct vehicles and any passersby from viewing their front porch.

Mr. Knapp asked the applicant if there were any other reasons why the fence would be moved closer to the street, besides the existing tree and irrigation.

Mr. Clopper stated that if they were to match the fence up with the already existing fence to the north they would lose yard space, irrigation and a large established tree.

Mr. Knapp asked the applicant if they had thoughts or comments regarding the condition to dedicate land in fee simple to the City for future infrastructure.

Mr. Clopper stated that he is aware of the condition and has done some research on the issue. He did ask if the City is responsible for filing the appropriate paperwork for recording with the County.

Mr. Hannan asked staff for confirmation if the City handles the appropriate paperwork.

Mr. Moore confirmed that if the City Council were to approve of the agreement, the City will submit the proper paperwork to the county for recording.

Mr. Hannan asked staff if there are current plans for the widening of Simms Street.

Mr. Moore stated there are no current plans.

Mr. Gay stated that he didn't think the City should encumber the property for something that may not happen in the future and that he was not in favor of the agreement.

Mr. Griffith asked if it was considered to have the proposed fence material match the fence on the north property adjacent to the site.

Mr. Clopper explained that the current fence on the north property is a vinyl fence with masonry columns, stating that cost would be a big factor.

Mr. Moore stated that staff felt it was a significant burden to place on the applicant since the north side fence was installed as part of a larger subdivision development.

Mr. Clopper also stated that the properties to the south of them have a cedar fence.

**MOTION:**

It was moved by Mr. Magee that a Major Modification for a Residential Privacy Fence, generally located at 7400 Simms St., be recommended to City Council for approval subject to the condition stated on Page 7 of the staff report. This motion is based on the findings of fact and approval criteria on Page 6 of the staff report.

**DISCUSSION OF MOTION**

Mr. Knapp stated that he was not in favor of the portion of the condition that would require the owner to dedicate land in fee simple to the City for future infrastructure.

**AMENDMENT:**

It was moved by Mr. Knapp to amend the condition of approval to strike the following language from page 7 of the staff report: *“dedicate the necessary land in fee simple to the City for right-of-way purposes. The agreement shall also state that that the property owner will”*

**DISCUSSION OF THE AMENDMENT**

Mr. Hannan stated he supported both the motion and the amendment.

Mr. Gay stated he supported the amendment as well

Ms. Connell stated she accepts the amendment.

Mr. Griffith stated he agreed with the amendment.

Voting on the amendment to strike the following language from the condition of approval on page 7 of the staff report: *“dedicate the necessary land in fee simple to the City for right-of-way purposes. The agreement shall also state that the property owner will”*

Those voting Yes: Hannan, Gay, Connell, Griffith, Magee, Knapp

Those voting No:

Those absent: Owens

The motion carried 6-0

**DISCUSSION OF THE AMENDED MOTION**

The amended condition of approval on page 7 of the staff report states:

*“The applicants shall execute a development agreement with the City stating that at the time Simms St. is improved to the full right-of-way width, the property owner will be solely responsible for the expense of relocating the six-foot solid fence at that time. The agreement shall be recorded prior to issuance of a fence permit.”*

Mr. Magee stated he agreed with the amended motion.

Mr. Griffith stated he also supported the amended motion.

Voting to approve the motion as amended:

Those voting Yes: Hannan, Gay, Connell, Griffith, Magee, Knapp

Those voting No:

Those absent: Owens

The motion carried 6-0

**8. OTHER ITEMS**

Mr. Griffith moved to cancel the December 7, 2021 Planning Commission meeting.

Those voting Yes: Hannan, Gay, Connell, Griffith, Magee, Knapp

Those voting No:

Those absent: Owens

The motion carried 6-0

**9. ADJOURNED** at 6:56 P.M.

Michael P. Griffith  
Michael P. Griffith, acting Chair

Patricia Connell  
Patricia Connell, Secretary

Abigail Ogg  
Abigail Ogg, Recording Secretary