



**ROY CITY**  
**Planning Commission Work-Session**  
**August 25, 2020 – 6:00 p.m.**  
Digital Work-Session Meeting

The meeting was a regularly scheduled work-session designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Jason Sphar, Chair  
Don Ashby  
Samantha Bills  
Torriss Brand  
Ryan Cowley  
Jason Felt  
Claude Payne

Steve Parkinson, City Planner

Excused: Commissioners Chris Collins, Annette Mifflin and Assistant City Attorney, Brody Flint

Pledge of Allegiance: Not executed due to digital meeting difficulties.

**1. DECLARATIONS OF CONFLICT**

There were none.

Commissioner Torriss Brand noted that with regards to tonight's agenda item, one of the homes listed as violating City Code was his own. However, he stated that his driveway did not violate City Code because it was cut before 2017.

**2. DISCUSSION ON 10-19-2 8 a ii – LOCATION OF DRIVE APPROACHES**

Steve Parkinson, City Planner, explained that this item pertained to code language addressing how close a drive approach could be in proximity to a side property line. He presented the above-listed section of City Code, as well as code language from Centerville, Clearfield, Clinton, Farmington, and Kaysville.

Section 10-19-2 General Provisions (of Roy City Code) stated the following:

- 8) Access to parking space (driveways and access lanes); access to all parking spaces shall be as follows:
  - a. Residential Property, including four (4) units or less attached units, shall provide access to approved off-street parking spaces and private garages used in conjunction with those uses as follows:
    - ii. No drive approach shall be located closer than four and one-half (4½) feet to a side lot line of a lot as it is projected to the back of the curb and gutter or roadway. In the case of a cul-de-sac exceptions may be made by the Zoning Administrator.

Commissioner Annette Mifflin sent in an email with her concerns. Mr. Parkinson read the following into the record:

“My only concern would be that pedestrian access might be impeded depending on the scenario that is decided.

I’ve noticed that on some occasions, property owners and/or their visitors have used the curb cuts as an extra parking spot which can then be in the way of pedestrians as they navigate the sidewalk.

By this, I mean that I’ve seen pedestrians having to walk into the street when there have been vehicles parked across the sidewalk. If the language is amended/tweaked (?), would there be provisions that would include ensuring pedestrian access to the entire sidewalk?”

Commissioner Torris Brand asked Chair Jason Sphar for his opinion on this issue. Chair Jason Sphar explained that there were not any curb cuts, gutters, or sidewalks in his own neighborhood. Almost all of his neighbors had driveways that went right up to their neighbors’ property lines. He stated that this could be an issue that was addressed based upon situational, one-on-one instances. In general, however, he preferred that driveways be allowed to go right up to the edge of side property lines.

Mr. Parkinson stated that driveways could go right up to the edge of property lines; however, driveway approaches could not. Commissioner Torris Brand stated there was a conflict in Roy City’s ordinances that allowed residents to place parking pads right up to the property line. However, the curb cut required four and a half feet from the property line. He explained that in speaking with Ross Oliver, Public Works Director, Mr. Oliver had communicated some concerns to Commissioner Brand regarding this issue. For example, Mr. Oliver was concerned with residents placing bricks or wood where the curb was cut so that they could get their recreational vehicles up into their driveway. This blocked water when it rained and caused issues for the street sweeper. Residents were driving on the curb cuts and breaking them off and the City was having to replace them. Commissioner Torris Brand said that Mr. Oliver also had conveyed to him that he would be happy if this ordinance was not in place.

Commissioner Claude Payne expressed concerns with snow removal, noting that wood, bricks, or gravel could cause problems for those apparatuses.

Mr. Parkinson stated that this ordinance could not apply to every scenario, explaining that only 30% of a property could have a curb cut or drive approach. In some cases, the maximum width had already been reached.

Commissioner Samantha Bush noted that Clearfield did not have any restrictions. She asked if this meant that residents could have whatever cuts they wanted. Mr. Parkinson clarified that an extra driveway, for example, was a different matter altogether. Reason being Roy City ordinances only allowed for one approach for a 100-foot width of property. A second approach was allowed for 150 feet of property width, and a third approach for 200 feet of property width. Most properties in an R-1-8 zone were 80 feet wide or less; therefore, they would get one approach. In these instances, some residents were wanting to widen their approaches. Mr. Parkinson clarified that the ordinance language stated “property” not “house.” He then drew a sample property layout on the screen to demonstrate these points. There was further deliberation on the matter.

Commissioner Don Ashby stated that they were trying to avoid two property owners creating one long, joint approach. If the City were to allow curb cuts up to the property edge, the language of the ordinance would need to clarify that no two approaches could be less than a certain number of feet apart from one another. However, the issue this would then create was determining which property owner would then need to widen their approach.

There was continued discussion of potential scenarios that could come up throughout the City, with Mr. Parkinson demonstrating each of those scenarios using the white board feature on his shared Zoom screen. Commissioner Jason Felt expressed concerns with careless cars bumping into curb seams where two properties abut one another, thereby jeopardizing the structural integrity of the curb and potentially causing the need for an entire section of curb to be replaced. Additionally, he was concerned with maintenance of property in between small seams between properties.

Commissioner Ryan Cowley stated that there needed to be a distinction between residential and commercial properties when considering this ordinance. He stated that he did not think this ordinance should apply to commercial properties. He added that areas such as 4800 and 5600 South would not be good places to enforce this type of ordinance due to traffic flows.

Commissioner Samantha Bills disagreed with Commissioner Ryan Cowley's suggestion regarding 4800 South. She noted that she lived on that road and currently residents blocked traffic when trying to pull RVs into driveways at an angle, whereas under a new ordinance they would be able to pull straight into their driveways.

Mr. Parkinson stated that having two driveways abut up against one another would be the exception to the rule; there were very few instances of this in the City. Therefore, the Planning Commission could make a broad recommendation that included language addressing those few exceptions.

Commissioner Ryan Cowley asked Commissioner Samantha Bills where she would put excess snow during winter months given the situation with her own driveway on 4800 South. Commissioner Samantha Bills responded that she owned 15 feet of side yard and her property was located at the end of the block where it connected to the adjacent neighbor. She asked Chair Jason Sphar about the nature of his neighborhood where there was not any curb and gutter, to which he responded that there were not any instances in his neighborhood where two yards were adjoining. He stated that there had not ever been any issues with snow removal in his area. Several images of yards and driveways located throughout the City were then presented and discussed.

Commissioner Don Ashby noted that in some of the photos shown, there were instances of sidewalks that started dipping down into the neighbor's yard. In these cases, the cutout actually began at the property line and went into the neighbor's yard, not necessarily ending at the property line. Commissioner Torris Brand disagreed, noting that in the case of his home the HOA ended at the property line. The Commissioners continued viewing images of properties throughout the City.

Commissioner Torris Brand stated there was a no-fee permit that was required for a curb cut. The City usually did not do this work; rather, a contractor did the work. Therefore, it was the contractor that was violating the City's ordinance, at the City's direction.

There was further deliberation on points made throughout the course of this discussion item. The Planning Commission decided to hold another work session on this item.

### 3. COMMISSIONERS MINUTE

There was none.

### 4. STAFF UPDATE

Steve Parkinson, City Planner, read the comments left in the live YouTube feed, as follows:

Mary Lyne Jones: *How long after a citation is issued does a property have to be cleaned up?*

Mr. Parkinson stated that this was difficult to enforce. He explained that residents were given a fix-it ticket and a 14-day notice. If after the 14 days the issue was not corrected, the Code Enforcement Officer then issued a citation. Three citations would be issued, each increasing in value. If the property was still not cleaned up, the matter was then turned over to the courts.

James Herpel: *I would like to see the ability to expand the approach but until it passes people can get these and pick them up when they are done.*

Mr. Parkinson explained that the problem was that sometimes people did not pick those up and that was where Public Works ran into issues.

Lastly, Mr. Parkinson reported with regard to the Frandsen property that an error was made in the date of the public hearing in the letter that was sent out. He also noted that the most recent newsletter had information on how to access the General Plan. He encouraged citizens to submit comments and noted there would be open houses held later to discuss the Plan.

### 5. ADJOURN

**Commissioner Don Ashby moved to adjourn at 7:06 p.m. Commissioner Ryan Cowley seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Felt, Payne, and Sphar voted "aye." The motion carried.**

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Jason Sphar  
Chair

Attest:

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Morgan Langholf  
City Recorder

dc: 08-25-20