

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

City Recorder
Remington Whiting

**City Council
Representative**
Dell Butterfield

**WEST BOUNTIFUL
PLANNING COMMISSION**

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Chairman
Alan Malan

Vice Chairman
Corey Sweat

Commissioners
Laura Mitchell
Dennis Vest
Robert Merrick
Tyler Payne

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON MONDAY, AUGUST 11TH, 2025 AT THE CITY OFFICES.**

Invocation/Thought – Commissioner Mitchell
Pledge of Allegiance – Commissioner Vest

1. Confirm Agenda
2. Consider Approval of 8ft Fence at 980 North 600 W.
3. Consider Conditional Use Permit – 24 Hour Rooterman Plumbing and Drain Cleaning.
4. Consider Conditional Use Permit – Lifetime Store.
5. Consider Conditional Use Permit – Cleartone Inc.
6. Code Change Application – Residential Rear Yard Setbacks – Roberts.
7. Approve Meeting Minutes from July 22nd, 2025.
8. Staff Reports.
9. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCityut.gov),
and posted at City Hall on August 8th, 2025 by Remington Whiting, City Recorder.*

Posting of Agenda - *The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on August 8, 2025, per state statutory requirement.*

Minutes of the Planning Commission of West Bountiful City held on Monday, August 11, 2025, at West Bountiful City Hall, Davis County, Utah. *(Meeting day changed due to the Primary Elections being held on Tuesday, August 12th, 2025).*

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Dennis Vest, Laura Mitchell, Robert Merrick, Tyler Payne (Alternate), and Council member Dell Butterfield.

MEMBERS/STAFF EXCUSED: Corey Sweat

STAFF ATTENDING: Kris Nilsen (City Engineer), Remington Whiting (Community Development), and Debbie McKean (Secretary).

PUBLIC ATTENDING: Mike Youngberg, Joan and Frank Zumpano, Todd Smith, Nate Ashby, Manny Zauala, Sarah and Weston Roberts, Mike Loscalco.

Thought/Invocation by Commissioner Mitchell
Pledge of Allegiance- Commissioner Vest

1. Confirm Agenda

Chairman Malan reviewed the proposed agenda. Dennis Vest moved to approve the agenda as presented. Robert Merrick seconded the motion. Voting was unanimous in favor among all members present.

2. Consider Approval of 8ft Fence at 980 North 600 West

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for approval of an 8 ft fence at 980 North 600 West including site plan and photos.

Remington Whiting explained that on August 6th, 2025, a conditional use permit application was submitted by Frank Zumpano to bring his rear and side yard fence into compliance as they are already at an 8ft fence along the entire rear and a portion of side of the property. A site diagram illustrating the location and layout of the proposed fence was provided.

He noted that pursuant to WBMC 17.50.040 the maximum height for fences in the rear and side yards is 6 ft. If the commission finds that an additional height allowance is reasonably necessary, it may grant approval of the request by motion in accordance to WBMC 17.50.050 which grants the planning commission the ability to extend the height to 8ft.

Mr. Whiting informed the commission that the rear yard of the property already has a non-permitted 8' fence constructed for its entire length. It is parallel to property owned by the Oregon Short Line Railroad Co.

He also noted that staff can see a reasonable argument that residential property and railroad property are an incompatible use, and that additional height may be reasonably necessary to protect both properties.

Regarding the side yard, Mr. Whiting explained that approximately 65 feet of side yard fence has been built unpermitted at 8', and the applicant is desirous to complete an additional 35'. A small portion (15') of side yard is adjacent to a city well property. The applicant, Mr. Zumpano argues that the additional height is reasonably necessary to protect the residential property from the adjunct road (the bend on 1000 N and 550 W).

Staff believes that since residential properties are adjacent to roads throughout the city, that it should not be considered an incompatible use. Staff also cannot see the justification in additional height to protect the property from vehicles.

After consideration, the commission decided to make the following motion:

Action Taken:

Tyler Payne moved to approve the request for the 8 ft fence and to add the additional 8 ft to the edge of the east driveway including an 8 ft high 12-foot-wide gate across the driveway, and build a 6 ft high fence running north and south along the west side of the driveway. Laura Mitchell seconded the motion and voting was unanimous in favor.

3. Consider Conditional Use Permit – 24 Hour Rooterman Plumbing and Drain Cleaning

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for a Conditional Use Permit for 24 Hour Rooter Plumbing and Drain Cleaning located at 2337 North 640 West for Todd Smith. A site plan was included in the submittal.

Mr. Whiting informed the commission that in a recent audit of the city's business licenses, staff discovered a plumbing business operating within the C-N zone at 2337 N 640 W. On August 7th, 2025, a conditional use permit application was submitted by Mr. Todd Smith.

Todd Smith stated that the location is used for the storing of fittings, pipe and plumbing tools which are located inside the shop. He leases the property so the vehicles stored on the property do not belong to him.

After some discussion among the commissioners, it was decided to make the following motion:

Action Taken:

Laura Mitchell moved to approve the conditional use permit for Todd Smith/24 Hour Rooterman Plumbing and Drain Cleaning at 2337 North 640 West located in the C-N zone with the following positive findings: the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; the proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection which conditions are to receive required fire Inspection approval; any signage will comply with city regulations; the Conditional Use Permit will only be valid only for the current business occupant and shall not transfer automatically to the new tenants and there will be no outdoor storage allowed. Tyler Payne seconded the motion and voting was unanimous in favor.

4. Consider Conditional Use Permit – Lifetime Store

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a Conditional Use Permit for Lifetime Store located at 206 South 625 West in the West Bountiful Commons area. A site plan was included in the submittal.

Mr. Whiting explained to the Commission that on July 23rd, 2025, a conditional use permit application was submitted for a proposed Lifetime Store to be located at 206 South 625 West. The proposed retail use includes the continuous outdoor display of products such as sheds, playground equipment, tables, benches, chairs, pergolas and grills. Per WBMC 17.92.020, outdoor storage in the C-G zone requires a conditional use permit.

He further explained that the proposed outdoor storage area will be enclosed by a 6-foot wrought iron fence and will only be accessible from within the building. A site diagram illustrating the location and layout of the outdoor storage area was provided to the commission for their review.

After some discussion, the commission made the following motion:

Action Taken:

Laura Mitchell moved to approve the Conditional Use Permit for Lifetime Store located at 206 South 625 West with the following affirmative findings: the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection along with the following conditions: The display area must remain within the boundaries shown on the submitted site plan; no encroachment into landscaping, fire lanes, drive aisles, or ADA-accessible paths is permitted; outdoor display shall be limited to merchandise related to the primary on-site business; no accumulation of debris, pallets, or packing materials in any outdoor area of the property; the fence for the outdoor display shall be maintained; display area must be maintained in a neat, orderly, and litter-free condition; obtain fire inspection approval; signage will comply with city regulations; the Conditional Use Permit shall be valid only for the current business occupant and shall not transfer automatically to new tenants. Dennis Vest seconded the motion and voting was unanimous in favor.

5. Consider Conditional Use Permit- Cleartone Inc.

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for a conditional use permit that was submitted for Cleartone Inc, a guitar accessory manufacturing business. A site plan was included in the submittal.

Remington Whiting explained that on July 23rd, 2025, Cleartone Inc. submitted an application for a conditional use permit to operate a guitar accessory manufacturing business at 740 West 500 South, Unit #2. The property is located within the C-H zone. These accessories include guitar strings, picks and other guitar accessories. According to WMBC 17.34.030, businesses that include "Indoor fabrication machining or welding of materials or equipment not for sale" are listed as a conditional use in the C-H zone. The applicant has indicated that the business will primarily involve small-scale indoor manufacturing and assembly of guitar-related products.

Commissioners reviewed the application and the following motion was made:

Action Taken:

Robert Merrick moved to approve the Conditional Use Permit for Cleartone, Inc. located at 740 West 500 South Unit # 2 Michael Loscalzo with the following affirmative findings; the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection and with the following conditions; fire Inspection approval obtained; upon issuance of this Permit, Cleartone Inc. will acquire a West Bountiful City business license; all fabrication, assembly, storage and related business activities must be conducted indoors; signage will comply with city regulations. Laura Mitchell seconded the motion and voting was unanimous in favor.

6. Code Change Application – Residential Rear Yard Setbacks- Roberts.

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for a text change amendment application from Weston and Sarah Roberts related to rear yard setback requirements for main structures in the R-1-10 zone that included a descriptive details from the applicant of how this change would benefit the people of West Bountiful City.

Remington Whiting noted that West Bountiful City has a 30' setback requirement in the rear yard for main structures in all residential zones. During another recent discussion regarding rear yard setbacks, staff determined that this requirement has existed since at least 1965 and possibly even longer.

Under the direction of staff, commissioners were reminded and discussed the reasons for the setback requirements and noted that this item has come up for discussion many times. The following are reasons as to why setbacks in residential zones exist and include the need for Usable backyards; privacy; noise mitigation; safety and access in case of fires or other disasters; aesthetic and predictable development patterns.

Mr. Whiting introduced the application submitted on July 21st, 2025, by Weston and Sarah Roberts requesting a text change to change the current minimum rear yard setback for main structures from 30' down to 20'.

He read a letter of from Commissioner Corey Sweat who was excused from the meeting this evening. The letter contained comments for reasons Mr. Sweat opposes the text/zone change application from the Roberts.

The applications includes four reasonings justifying this request. The Commission reviewed these reasons and discussed if they would create the following that should be considered when making such a change:

Would this change to rear yard setbacks be compatible with the General Plan for residential zones? How would this change affect established neighborhoods, new development, and the re development of residential properties? How would this change work with other yard requirements such as the requirement that no accessory or group of accessory structures cover more than 35% of a rear yard? Is it reasonable and equitable to allow for accessory structures to encroach into rear yard setbacks but not parts of the main structure? For example, why can a detached garage encroach into the setback, but not an attached addition? Will future discussions about detached ADUs change the city's way of regulating rear yard setbacks?

Sarah Roberts took the stand and explained the unique situation of their property in regards to what they would like to do.

Laura Mitchell suggested we may want to consider not changing the text for all of the R-1-10 zone but create an exception for that property.

Robert Merrick stated that he is opposed to spot zoning.

Remington Whiting informed the commission and applicant of the process for reviewing an application for text/code changes which is to review the application, discuss at planning and zoning level, hold a public hearing and then address any other needed discussion or deliberations. After that, planning commission will send their recommendation to the city council for review to either approve or deny the request or make a text/code change that would be a modification to the request.

A public hearing will be held on August 19th at the regularly scheduled meeting for the applicant's request.

7. Approve Meeting Minutes from July 22, 2025.

Action Taken:

Robert Merrick moved to approve the minutes from the July 22 2025, Planning Commission Meeting as presented. Dennis Vest seconded the motion, and voting was unanimous in favor.

8. Staff Reports

a. Engineering (Kris Nilsen)

- Belmont 1 A will appear n the agenda for our next meeting
- Staff has sent a response to Ivory Homes for their last submittal so the ball is in their court at this time.
- Staff will check out the dust problem that is occurring on the city property located to the east of the Vest Property off 1200 North.
- The 660 West project will have some heavy hauling going on the next few days. 700 North to 400 North will be paved first which is the south side of the project, followed by the remaining road to the north of that.
- Communication is needed with the school as that area is a main means of transportation for elementary students. Laura Mitchell offered a few suggestions. Kris will work it out with the school asap.
- 1100 West needs the residential mailboxes to be put in permanently.

b. Community Development (Remington Whiting)

- Primary Election will be held tomorrow.
- Receiving a inflects of building permits.
- UDOT is obtaining the needed properties for their project. So far the two shell gas stations and the hotel property has been purchased.
- Ken Garff will be buying the Larry Miller Dealership property.
- At Home is closing due to bankruptcy.
- There will be a work session with UDOT at the next City Council Meeting around 6:00 pm on August 19th.
- Remington is researching the process for demolishing property.

9. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at approximately 9:00 pm. Dennis Vest seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission, by unanimous vote of all members present.

