

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
Corey Sweat
Dennis Vest

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 13, 2021 VIA ZOOM (see info below)

1. *The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.*
2. Prayer/Thought by Commissioner Vest.
3. Accept Agenda.
4. Consider Chairman Malan's Recommendation of Corey Sweat for Vice Chairman of the Planning Commission.
5. Public Hearing – Proposed Updates to Height Regulations in the City's Residential Districts.
6. Public Hearing – Proposed Updates to Permitted, Conditional, and Prohibited Uses in the City's Residential, Commercial, and Industrial Zones.
7. Conditional Use Application – ADU – Drown
8. Consider Proposed Changes to Height Regulations.
9. Consider Proposed Changes to Uses in Residential, Commercial, and Industrial Zones.
10. Consider Final Plat for Doug's Corner/Deppe Farms Subdivision.
11. Staff report.
12. Consider Meeting Minutes from March 23, 2021.
13. Adjourn.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/86542058448>

Meeting ID: 865 4205 8448

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on April 9, 2021 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

April 13, 2021

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 April 9, 2021 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 13, 2021 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held by teleconference measures using Zoom.

MEMBERS ATTENDING: All attending via Zoom: Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko, and Council member Kelly Enquist.

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Community Development) in house, Steve Doxey (City Attorney), and Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Virginia Benard, Gary Jacketta, Jamie Adams, Jeff Drown, Amy Paget, Jodi Hugo, Jay Gough, Jay Jenkins, Laurie, Shea Bennett, Amber Brown, Julie Thompson.

The Planning Commission meeting was called to order at 7:30 pm by Chairman Malan.

1. ***Chairman Alan Malan read the following message: The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.***
2. **Prayer by Commissioner Vest**
3. **Accept Agenda**

Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda to include postponing Item 6 to a future date and moving Item 10 to follow Item 7. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

4. **Consider Chairman Malan's Recommendation for Vice Chairman of Planning Commission**

The Bylaws of the Planning Commission state that the Vice Chairman will be appointed by the Chairman with the consent of Planning Commission. Chairman Malan recommended Corey

Sweat for Vice Chairman and asked for the Commissioner's consent. The commission unanimously voted to accept the recommendation.

5. Public Hearing- Proposed Updates to Height Regulations in the City's Residential District

Cathy Brightwell explained to the public that the planning commission has been discussing modifications to height regulations in residential zones for several months. In 2019, the city moved away from the conditional use process required when additional height was requested by implementing a sliding scale that increased setbacks based on height. Proposed changes also include specific direction about how to consistently measure structures. Staff has incorporated previous comments and suggestions. A clean copy of the final document was presented and charts for each section will be added to the final updated document. Ms. Brightwell summarized the regulations in each residential zone.

Kris Nilsen explained to the public how the height measurement is calculated using a diagram to show the details. Structures will be measured from the top back of curb, or center of road if there is no curb. He noted that these changes will simplify the process and make it more consistent.

Action Taken:

Corey Sweat moved to open the public hearing for Proposed Updates to Height Regulations in the City's Residential District at 7:44 pm for public comment. Dee Vest seconded the motion and voting was unanimous in favor.

Public Comments:

Jay Gough is a developer of Highgate Estates and future resident. He expressed his confusion regarding the new measurement standards as they seem to be more restrictive than the current methods. Mr. Gough stated that the A-1 zone is a perfect place for taller buildings because the lots are so large. He added that he is aware of concerns about the height of a neighboring structure, but he believes the problem is better handled by increasing setbacks than by reducing the overall allowed height. He noted that due to the elevation of ground water on his lot he will need to build his yard up and would still like to have a 40-foot tall building. Also, from a developer perspective, it is important for people to be able to do what they want on their property. He is opposed to height caps but favors setback control.

Kris Nilsen explained the exceptions that would be allowed in a few instances found under Section C. which includes the ground water issue.

Action Taken:

Mike Cottle moved to close the public hearing at 7:52 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

6. Public Hearing- Proposed Updates to Permitted, Conditional, and Prohibited Uses in the City's Residential, Commercial, and Industrial Zones.

This public hearing was tabled and will be held at a future meeting pending further review by the commission and preparation by the staff.

7. Conditional Use Application – ADU – Drown

Commissioner packets included a memorandum dated April 8, 2021 from Cathy Brightwell regarding a Conditional Use Application for an Accessory Dwelling Unit with an attached site plan.

Ms. Brightwell explained that the Drown's recently purchased the home at 726 N 800 West and would like to add an accessory dwelling unit to a former garage space in their home. They have applied for a building permit to complete the construction. WBMC Chapter 17.82 currently requires a conditional use for an ADU subject to the development standards specifically listed in Section 17.82.050. Staff provided a list of those standards for the commissioner's review.

No questions or comments from Commissioners.

Action Taken:

Corey Sweat moved to approve the conditional use permit for an ADU for the Drown family at 726 N 800 West with the following findings and conditions:

Findings:

- 1. 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;***
- 2. The proposed use 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;***
- 3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; and***
- 4. 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.***

Conditions:

- 1. Applicant will construct the addition in such a manner that WBMC 17.82.050 and the International Residential Building Code (IRC) requirements for a second dwelling unit are satisfied.***
- 2. Language will be included in any rental or lease agreement for the ADU that the lease will terminate upon sale of the property.***
- 3. This Permit is not transferable – If at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the Permit shall be revoked pursuant to WBMC 17.60.080.***

- 4. A signed Conditional Use permit/ADU agreement will be recorded in the County Recorder's office.**

Motion was seconded by Laura Charchenko and voting was unanimous in favor.

8. Consider Proposed Changes to Height Regulations

Cathy Brightwell shared several new items staff is asking the commission to consider from previous drafts related to height regulations. Currently, accessory structures in the R-1-10 and R-1-22 zones require windows within 20 feet of a property line and above ten feet tall to be non-opening, translucent glass. On occasion, this may apply to windows facing the homeowner's yard. Staff would like to add language that clarifies the restriction only applies when the windows face an adjacent property. There was also discussion about changing the distance from 20 feet to 15 feet. It was decided to leave the 20-foot requirement, but to add the proposed clarifying language regarding which direction the windows face.

Discussion took place regarding item D. Exceptions to height limitations. Many of the exceptions only apply to commercial structures and staff asked if the list should be separated between residential and non-residential uses. Chairman Malan feels we do not need to make any changes to this section as there may be a situation where one of the typical non-residential exceptions may be needed for a residential use. Commissioners agreed that the original language should be kept in place.

Action Taken:

Corey Sweat moved to accept the proposed changes to Height Regulations in West Bountiful City's residential districts as present this evening and send it to City Council for their review and consideration. Mike Cottle seconded the motion and voting was unanimous in favor.

9. Consider Proposed Changes to Uses in Residential, Commercial, and Industrial Zones.

Cathy Brightwell noted a proposed change in the Commercial and Industrial zones regarding the catch-all statement regarding businesses and uses which are similar to those listed in each section. Currently, the determination is to be made by the planning commission. As this may not always be practical, staff is proposing the determination be made by the zoning administrator. She added that this change does not affect an applicant's ability to appeal a decision.

Steve Doxey suggested new catch-all language for prohibited uses that clarify that anything not listed as Permitted or Conditional is Prohibited. It is assumed that if a use is not on the list it is not allowed. This proposal was supported by all commissioners.

Staff explained that now that the list of uses has been determined, a review is necessary to ensure clear standards are in place to deal with uses that have been moved from conditional to permitted. At that point, a public hearing will be necessary.

10. Consider Final Plat for Doug's Corner/Deppe Farms Subdivision (*moved up on agenda*)

Commissioner packets included a memorandum dated April 13, 2021 from Kris Nilsen regarding Doug Coon's Subdivision and final plat status with an attached site plan.

Kris Nilsen reviewed the submittal from Doug Coons which consists of a three (3) lot subdivision located on the west side of 550 West street at 1000 North. The property is within the R-1-10 zone and consists of 0.696 acres. The lots appear to meet the required R-1-10 zoning requirements for size and frontage although a final plat has not yet been provided.

Mr. Nilsen noted that Doug Coons has addressed the items from last meeting regarding the preliminary approval and submitted the following resolutions:

Resolution of items included in preliminary approval.

1. All lots appear to meet the required R-1-10 zoning requirements for size (10,000 sf) and frontage (85 ft) although staff is still waiting to review a final plat.
2. All lots are designed with a 30-foot front and rear setback to the buildable area.
3. All existing structures (buildings) on the site are shown to be demolished and removed as part of subdivision.
4. No new streetlight is required with the project as there is a streetlight on the southeast corner of 550 W and 1000 N.
5. Street widening improvements will include curb, gutter, and sidewalk along the frontage of the project.
6. A double inlet storm drain box will be added to existing inlet box on the northeast corner of the intersection of 675 West and 1000 North.

Kris Nilsen summarized his review of the required items from the municipal code. Because a final plat has not been provided, he is not able to finalize his review. He made the following recommendation.

After review of the submitted Site Plan drawing and construction plans, an approval by the planning commission should be subject to the following conditions:

1. Submit a final plat for review.
2. Submit revised construction drawings for review.
3. Submit a title report for review.
4. All City staff comments addressed.

It was determined by the commission that Mr. Coons address all of the items requested by the city engineer and then return for consideration of the final plat.

Action Taken:

Corey Sweat moved to table the final plat approval for Doug Coon's Corner Subdivision at 550 W 1100 North until all the requirements have been met. Laura Charchenko seconded the motion and voting was unanimous in favor.

Cathy Brightwell noted that they have received several emails and comments expressing negative comments regarding building 3 lots on the property. There are concerns that it will result in more problems on a currently unsafe corner.

Chairman Malan asked the public if they had any comments.

Amy Paget lives to the west of the development at 600 W 1000 North and has concerns about the traffic in that area and the number of accidents that occur there. She opposes this development for safety reasons. She would like to know how the additional traffic will be addressed. Is it possible to get a stop sign? She added that it should not be called Deppe Farms as she believes the Deppe family would not approve of this development.

Amber Brown, 955 N 600 West supports the comments of Amy Paget and is concerned about the safety of her young children. She calls the corner a death trap because drivers do not slow down for the corner. She has come closer to being hit several times while pushing a stroller and noted the high speeds and accidents that occur on that corner including cars running into the fences.

Laura Charchenko asked for clarification of what type of accidents are occurring. Ms. Paget and Ms. Brown shared a few incidents they have seen.

Chairman Malan responded that if the 3 lots fit on the property as required by the municipal code, they must be allowed to be built but without a plat, we have not determined that. Kris Nilsen added that if the corner is developed, it will look very different. The trees and overgrown bushes will be gone, and homes will sit back a minimum of 30 feet from the road. Curb and sidewalk will also improve the corner. It will look like most corners in the city with homes and driveways close to corners.

11. Staff Report

Kris Nilsen:

- Highgate-2 subdivision is moving forward
- Beverly Estates plat has been submitted to the county recorder and building permits for the 2 lots are expected soon.
- Well house construction will begin in May and hopefully be completed by December
- Pickleball contractors will begin construction sometime this week

Cathy Brightwell:

- A joint work session with City Council has been scheduled for 6:00 pm on April 27th to discuss ADU's, Brookside Ranch development, and increased density in areas like 500 West (Evergreen Circle) and 500 South. It is planned as an in-person meeting with dinner provided. Dee Vest would like to discuss PUD's as well. Planning Commission will hold a regular meeting after the work session.

Mike Cottle read a letter from a citizen (Michelle Curtis) on 660 West stating her concern of safety regarding lack of sidewalks in areas of the city and safety signage and pointed out a few other safety issues. Councilmember Enquist noted that she addressed City Council last week and they shared with her the future plans of the city in those regards.

Laura Charchenko noted another letter that Bud and Jeanette Ingles sent to her and she has addressed the issues with both the Hughes and Ingles. City staff is working with them and noted that civil issues need to be handled between parties and the city is not involved. Hughes have not been found in violation of any city regulations.

12. Consider Meeting Minutes from March 23, 2021

Action Taken:

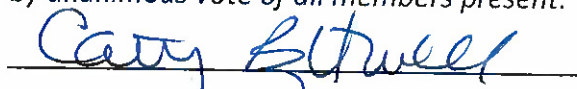
Mike Cottle moved to approve of the minutes of the March 23, 2021 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

13. Adjourn

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:00 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on April 27, 2021, by unanimous vote of all members present.


Cathy Brightwell – City Recorder

