

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
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, FEBRUARY 22, 2022, AT THE CITY OFFICES**

AGENDA:

1. Prayer/Thought - Commissioner Vest.
Pledge of Allegiance – Commissioner Mitchell.
2. Confirm Agenda.
3. Discuss Public Improvement Requirements as a Condition of a Building Permit.
4. Discuss Clarifications for Yard Regulations in Residential Zones.
5. Consider Meeting Minutes from February 8, 2022.
6. Staff report.
7. Adjourn.

*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website
and the city website on February 18, 2022, by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commissioners
DATE: 2/17/2022
FROM: Staff
RE: Public Improvement as a Condition of a Building Permit

As discussed at the January 25 and February 8, 2022, planning commission meetings, the commission has attempted to clarify language in city code regarding when and what public improvements are required as a condition of a building permit.

The current practice requires the property owner to install curb, gutter, sidewalks, and other improvements such as asphalt extensions, piping or covering drainage culverts, and moving other utility infrastructure such as poles and boxes on a lot on which a building is to be constructed or remodeled when the construction is significant. Other than new construction, there has not been clear criteria for determining what triggers the improvements, but they have typically been required when an addition is of significant size compared to existing structures.

The following draft reflects the discussion by the planning commission to clarify the Code. It is recommended that several improvements currently required of the property owner will become the responsibility of the city. These improvements are on land owned by the city and historically maintained by the city, so it is unreasonable to ask the property owner to pay for the improvements when applying for a building permit. This recommendation does not apply to properties under development and subject to WBMC 16.20.020.

A public hearing is scheduled for March 8 on this issue.

CURRENT:

15.08.050 Site And Off-Site Improvements May Condition Building Permit Approval

The installation of curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches of a type approved by the land use authority may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval.

PROPOSED:

15.08.050 On and Off Site ~~Public~~ Improvements as a Condition of Building Permit Approval

- A. Except as otherwise required under Section 16.20.020 for subdivisions, a property owner shall be required to install the public improvements listed below in Section 15.08.050.B as a condition of a building permit for any of the following:
1. A new primary dwelling or commercial structure;
 2. A non-commercial structure **connecting to public utilities in the public street. Public Utilities include culinary water, storm drain, sewer, and secondary water;**
 3. An addition to a primary dwelling, commercial structure, or non-commercial structure that increases the footprint or floor space by **100%**; or

4. Cumulative additions to one or more **primary dwellings, commercial structures, or non-commercial structures** on the property that increase the total footprint or floor space by **100%** over a 5-year period.
- B. For any of the events described in Section 15.08.050.A, the following public improvements, **consistent with city standards**, are required along the frontage of the property:
1. Curb, gutter, and sidewalk.
 2. Piping, covering, or fencing of irrigation and storm drain ditches.
 3. Improvements for **public utility services, such as culinary water, storm drain, sewer, and secondary water**.
 4. Improvements for **new non-city utilities or services requested by the property owner**, including but not limited to streetlights, utility poles, communication services, gas, and electric services.
- C. The city council may waive, modify, or delay the construction of all or part of the required public improvements upon the request of the property owner or recommendation of the city engineer after making specific findings supporting its decision consistent with the following standards. Except as specifically provided in this section, no required improvements may be waived, modified, or deferred.
1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, A-1, and A-S zoning districts may be deferred when the city council finds compelling reasons, such as significant impact to adjacent property, that the city's interests are better served by deferring the construction.
 2. The requirement to pipe or cover an open ditch that the city has previously designated to remain open may be waived, modified, or deferred upon a finding that the waiver, modification, or deferral is in the public interest.
 3. Other required improvements may be deferred only upon a specific finding that deferral is in the public interest.
 4. The deferral of any public improvements under this section is subject to a deferred improvements agreement, approved by the city council, that allows the city to determine when, if ever, such improvements will be required.

16.20.020 Public Improvements (Subdivisions)

Notwithstanding the provisions of Section 15.08.050, the approval of all subdivisions, including minor or small subdivisions, will require the installation of all public improvements including asphalt, curb and gutter, sidewalk, streetlights, and utilities which are required to complete the standard street design included in the City's design standards regardless of whether the required improvements are on a new or existing street. The city council may waive, modify, or delay the construction of all or part of the required public improvements upon making specific findings supporting its decision consistent with the following standards.

- Check terms – primary dwelling vs main structure vs single-family dwelling, etc.

MEMORANDUM



TO: Planning Commissioners
DATE: 2/18/2022
FROM: Staff
RE: Yard Regulations in R-1-10, R-1-22, A-1, and A-S Districts

Staff recently found an item in residential yard regulations that appears to have been overlooked in both the 2018 and 2019 Yard Regulation updates. The error affects side yard setbacks for accessory structures and is described below.

Section 050.A.2 in each of the residential zones states the minimum side yard setback for **ALL** structures is 10 feet. Section 050.A.4 states the minimum rear yard setback for accessory structures, measured from the rear lot line or **side lot line** is 6 feet. Staff has imposed the 6 ft rear **and side** setbacks for accessory structures for many years. We propose to clarify Section A.2 so that the 10 ft minimum setback is only for main structures.

17.XX.050 Yard Regulations (17.14, 17.16, 17.20, 17.24)

A. Minimum Setbacks. (See diagram below)

1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
2. Side yard. The minimum side yard setback for ~~all structures~~ **main structures** is ten (10) feet for any one side ~~with~~. ~~Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.~~ **The minimum side yard setback for accessory structures or non-commercial structures is six (6) feet, or three (3) feet if the structure is built to fire code standards.**
3. Street side yard.
 - a. On a corner lot, the minimum street side yard setback is twenty (20) feet.
 - b. No accessory structure may be constructed within the street side yard of a corner lot unless the accessory structure:
 - 1) Is situated behind the rear line of the main structure and no closer than three (3) feet from the street side lot line;
 - 2) Is two hundred (200) square feet or less;
 - 3) Has a maximum height of nine (9) feet measured from the lowest finished ground level to the highest part of the roof; and
 - 4) Complies with other requirements of this Code.
4. Rear yard.
 - a. The minimum rear yard setback for all main structures is thirty (30) feet.
 - b. The minimum rear yard setback for accessory structures, **measured from the rear lot line or side lot line, is six (6) feet,** or three (3) feet if the structure is built to fire code standards.

West Bountiful City

February 8, 2022

Planning Commission Meeting

PENDING – NOT APPROVED

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 February 4, 2022, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 8, 2022, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Dennis Vest, Laura Mitchell, Mike Cottle, Corey Sweat, and Council member Kelly Enquist.

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder), and Debbie McKean (Secretary).

VISITORS:

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

1. **Prayer by Commissioner Sweat.**
Pledge of Allegiance led by Commissioner Vest

2. **Accept Agenda**

Mike Cottle moved to approve the agenda as presented. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

3. **Discuss Public Improvement Requirements as a Condition of a Building Permit.**

Commissioner packets included a memo from staff dated February 4, 2022, that included redlined changes discussed at the last meeting. A clean copy of WBMC 15.08.050 was also attached.

The redline copy was reviewed by the Commission and changes made as follows:

- A.1. Move non-commercial structures to its own line item and add clarification that it only applies when the non-commercial structure connects to public utilities in the public street.
- A. 3 & 4 Change the percentage from 50% to 100% which means the addition must at least double the existing footprint or floor space.
- B. Add 'consistent with city standards' when describing the required public improvements.
- B.3. List the public utility services that will be required.
- B.4. Clarify that non-city utility services will be the responsibility of the property owner when they are new or requested by the property owner.

Staff will make the above changes and a new draft will be presented at the next meeting which will be scheduled as a public hearing.

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44 **4. Consider Meeting Minutes from January 25, 2022.**
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46 **Action Taken:**

47 *Laura Mitchell moved to approve the minutes of the January 25, 2022, meeting as presented. Corey*
48 *Sweat seconded the motion and voting was unanimous in favor.*

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50 **5. Staff Meeting**
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52 **Cathy Brightwell**

- 53 • Chree Olsen Martin came into the city yesterday with a subdivision proposal of 4 Lots for her
54 property on Olsen Way and 1850 North. Her father, Terry Olsen, had a similar subdivision
55 approved for the same property several years ago but it was never recorded.
- 56 • Pam Nichol's property on 400 North is under contract. The buyers would like to build a school
57 on the property. Choice Education has a L3C tax status which is a low-profit limited liability
58 company. They will likely file for conditional use as a quasi-public use entity.
- 59 • Manheim needs additional parking and is negotiating with Highgate to lease 5 adjacent acres to
60 the north in trade for 3 acres fronting 1450 West which are good buildable lots. The property
61 they would like to expand on is in the BU Zone and does not allow outdoor storage or parking of
62 vehicles. We went to court years ago on similar issues and agreed to let them lease 26 acres to
63 the north with conditions including building a berm, installing fencing and lights, etc., however,
64 they never moved forward with that agreement.

65
66 **Kris Nilsen**

- 67 • The first test run on the well was very successful this morning and the well should be ready in
68 March to go into the public water system.
- 69 • A conditional use permit will be on the agenda in March.
- 70 • The 600 West road project will be going out to bid this week. It will include complete
71 replacement of culinary water pipe and street surface. The project will be done in sections to
72 minimize the impact on the community. It is possible the trail will be included in the project if
73 the bid comes in favorably to doing so.
- 74 • The owners of the RVs that have been parked at the sewer plant were notified that they have to
75 remove them; so far the number has been reduced and there are about 15% left.
- 76 • The city received a report regarding the Nielsen issue by a neighbor that a large amount of
77 gravel had been dumped in the street. He was in the process of removing it today. Neighbor also
78 reported that he is still running his business but not from his home.

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80 **6. Commissioner Training.**

81 Cathy Brightwell provided training on the "Top Ten Things We Need to Know as Planning
82 Commissioners." Approximate time of the video was 15 minutes.
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7. Adjourn.

Action Taken:

*Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:16 pm.
Mike Cottle seconded the motion. Voting was unanimous in favor.*

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*The foregoing was approved by the West Bountiful City Planning Commission on February 22, 2022, by
unanimous vote of all members present.*

Cathy Brightwell – City Recorder