

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Alan Malan

Commissioners
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest
Dell Butterfield, Alt.

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, JANUARY 24, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Mitchell;
Pledge of Allegiance – Commissioner Malan.
2. Confirm Agenda.
3. Conditional Use Application for a Home Occupation for Auto Italia Repairs at 638 N
660 West – Aimee & Adan Hinojosa
4. Public Hearings:
 - a. New Model Home Ordinance, WBMC Chapter 17.74.
 - b. Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76.
 - c. Clean-up Corrections and Updates to Miscellaneous Land Use Regulations in
WBMC Titles 16 and 17.
5. Consider Meeting Minutes from January 10, 2023.
6. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
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 January 20, 2023, by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commissioners

FROM: Staff

DATE: January 20, 2023

RE: Home Occupation Application for Auto Italia - 638 N 660 West - Aimee & Adan Hinojosa

This memo reviews the home occupation and conditional use applications for Auto Italia auto repair business.

Background

Auto Italia is a commercial auto repair business, previously licensed and located at 1116 W 500 South until December 31, 2022.

Sometime in December of 2022, the business began operating out of a detached shop/garage at the residential property located at 638 N 660 West. As the owners/employees of the business do not reside at the property, operating any business out of the shop is a violation of West Bountiful Municipal Code. Staff alerted the owners of the business and property of this violation and instructed them to cease operations.

The owners of the business have applied for a home occupation license and an accompanying conditional use permit with the intent to become compliant with city code.

The operation of the business has been the source of complaints to the city from several individuals.

Applicable Codes

The following sections of West Bountiful Municipal Code (WBMC) are pertinent to the applications:

- [WBMC 5.28](#) Home Occupations
- [WBMC 17.24](#) Residential District, R-1-10
- [WBMC 17.60](#) Conditional Use Permits
- [WBMC 17.92](#) Outdoor Storage and Merchandising

Application and Accompanying Materials

A conditional use application and updated home occupation business license application were submitted on January 17, 2023. Details of the application include:

1. The applicants intend to purchase and reside at the property.
2. The only employees of the proposed business are the two owners.
3. Customers are by appointment-only.

4. They intend to use 500 square feet of the 2,000 square feet detached shop for auto repair/business purposes, which they estimate is enough room for two vehicles.
5. They intend to store up to five customer vehicles outdoors behind the shop.
6. No street parking will be used by customers.
7. They estimate daily traffic at “1-3 people” for customers.
8. An office will be within the residence.
9. Accompanying images show a proposed “privacy fence”, but no details are explained.
10. Traffic related to deliveries is not mentioned.
11. Photographs show an unpaved driveway to the shop.
12. No map showing customer and resident parking was provided.

Objections

The city continues to receive complaints from multiple neighbors, some of whom do not want to give their names because of relationships with the Hinojosa’s and their family members. They have stated that their names listed on the business license application does not mean they approve of the business operating in their neighborhood. Some neighbors have been awakened at night by tow trucks delivering vehicles and they complain about a large number of auto parts deliveries. These complaints raise concerns about how this business may change the residential nature of the neighborhood.

Review

WBMC 5.28 outlines the requirements for home occupations. A conditional use permit/planning commission review is required if the request conflicts with listed requirements or the city recorder determines that approval without additional conditions may conflict with the intent of the code.

Based on a review of the materials submitted, staff raises the following issues as related to Home Occupations - [WBMC 5.28](#):

- A. 5.28.040 A. – To this point, the business has been conducted by individuals not residing on the property.
- B. 5.28.040 C and J. – The city has no evidence that the shop meets building and fire code for commercial vehicle repair.
- C. 5.28.040 G. – Code clearly intends planning commission review for any storage of vehicles within the shop.
- D. 5.28.040 H. – Off-street parking should be clearer, e.g., mapped and designated.
- E. 5.28.040 I. – Yard space may not be used – this is contradictory to the request to store vehicles outdoors.
- F. 5.28.040 K. – Traffic related to deliveries of vehicles and parts is unclear and may conflict with the residential nature of the property and neighborhood.
- G. 5.28.040 M. – There is some evidence that the operation of the business to this point has disturbed the peace and quiet of the neighborhood by way of noise from tow trucks, tracking mud from the property, and traffic from deliveries.

WBMC 17.60.040, directs the Commission to approve the conditional use if reasonable conditions can mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects cannot be substantially mitigated by the imposition of reasonable

conditions to achieve compliance with applicable standards (requirements of the Chapter and all other applicable requirements of the Municipal Code), the conditional use may be denied.

WBMC 17.60.040 also requires the Commission to consider the following findings prior to approving a conditional use.

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;
4. 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;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. 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.

Possible Conditions

If the planning commission believes that the application contains sufficient information to determine that the proposed use justifies the findings as listed in WBMC 17.60, staff recommends consideration of the following conditions to mitigate possible reasonably anticipated detrimental effects of the proposed use.

Detrimental Effect 1: Non-resident business owners.

1. Business owners must reside in the home on the property either through lease or purchase.

Detrimental Effect 2: Customer Traffic and Parking

1. At least one space of off-street parking for customers must be provided on the property.
2. At least two spaces of off-street parking for residents must be provided on the property.
3. Customers seeking services may be parked on the property for a maximum of 1 hour.
4. All other customer vehicles awaiting or receiving services or awaiting pickup must be parked inside the shop.
5. All auto repairs must be performed in the allotted space inside the shop. As there is only one garage door to the building, a detailed diagram must be provided showing how the vehicles will enter/exit and the specific space designated for business and personal use inside the building.
6. Owners to provide a list of personal vehicles.

Detrimental Effect 3: Commercial traffic disturbs residential neighborhood.

1. Business deliveries of supplies and materials will be limited to 3 times per day.
2. Customer drop-off and pick-up limited to a total of 3 times per day.
3. Tow truck deliveries will be limited to indoor parking availability and may only be between the hours of 8 am and 6 pm Monday-Friday.
 - a. Alternative: No customer vehicles may be delivered by tow truck.

Detrimental Effect 4: Environmental & Safety Issues.

1. All businesses must meet state and federal environmental quality requirements for auto repair businesses, including but not limited to the following:
 - a. Collect and contain vehicle fluids as required;
 - b. Use a licensed company to collect oil, anti-freeze, and other vehicle fluids;
 - c. All vehicles waiting for work and those with work in progress must be on concrete or asphalt surface that stop fluids from entering the ground.
2. Site activities must comply with federal and state EPA Storm Water regulations.
3. Owner must provide evidence of compliance with fire codes and any other applicable building codes, and the building/property must remain in compliance.

General Home Occupation Conditions:

1. Business equipment and vehicles in the detached shop will not exceed 25% of the total building space.
2. No additional business equipment will be added without notice to city for verification of storage limits.
3. Shop doors to remain closed during business activities.
4. No signage for the business.
5. No employees that do not reside in the home.

Recommendation:

The purpose of the R-10 District states that the city's regulations are intended to preserve and enhance residential character and lifestyle. Staff is concerned that reasonable conditions may not effectively mitigate the detrimental effects of the business based on the information provided.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 638 North 660 West West Bountiful

NAME OF BUSINESS/USE: Auto Italia Repairs

PARCEL NUMBER: _____ ZONE: _____ DATE OF APPLICATION: 01/09/23

Applicant Name: Aimee and Adan Hingjosa

Applicant Address: 1061 W. Haworth Drive, NSL, UT 84054

Primary phone: 801-309-4384

E-mail address: aimeedanae11@hotmail.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal and separate sheet with additional information if necessary.

We have a small family run auto repair business. The employees are Adan and Aimee Hingjosa. We are appointment only so the daily traffic is only 1-3 people coming. We only like to have 3-5 cars there at anytime and only if work is being done.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

Date: 1/10/23

Applicant Signature: Aimee Hingjosa

Application Received Date: <u>1/17/23</u>	FOR OFFICIAL USE ONLY	Permit Number: _____
Application Fee Received Date: <u>1/17/23</u>		Fire Inspection Date: _____
Permit Approval: _____		Fire Inspection Approval Date: _____

#2



HOME OCCUPATION BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 West
West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

Please allow 5-7 business days for processing

Applicant Information:

License # (Assigned by City): _____

Resident/Business Owner's Name: Adan and Aimee Hingjosa
Physical Address: 638 North 660 West West Bountiful, UT 84087
Mailing Address, if different than above: 1061 West Haworth Drive, NSL, UT
Email address: aimeedanae11@hotmail.com
Primary Phone: 801-309-4384 Emergency Phone: 801-865-7120
Property Owner Name & Contact Info, if different than applicant: Janet Lee 801-897-4677

Business Information:

- Name of business: Auto Italia Repairs
State ID #: _____
State Sales Tax #: 14257513-003-STC
Federal Tax ID #: 81-3317251
Other Required Licenses #: _____
(Depending on type of Business)
- Describe the proposed business activity:
Auto repair by appointment only. Work all done by Adan, no other employees. Aimee does paperwork/office work. Adan specializes in European auto repairs.
- Hours of Operation: 10 AM-5 PM Monday-Friday
- Name and relationship of person(s) participating in business (must reside at the home):
Adan runs day to day, Aimee manages paperwork.
- Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:
One bedroom in house, approx. 10'x10', will be office space. 20'x25' area of 2000 sqft. garage at rear of property.

6. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:

We do not keep stock of supplies. All parts and fluids are ordered on an as needed base. Office supplies kept in house. All tools and other equipment kept in 20'x25' area of garage.

7. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.

Yes, oil and antifreeze. We don't have bulk supply of these, they are bought as needed. We have 2 barrels for used fluids and it is picked up as needed by a recycling service.

8. Will individuals come to your home to obtain any product or merchandise, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain, including frequency.

Yes, customers to pick up and drop off vehicles, parts are delivered in small personal vehicles as well. Deliveries are 1-3 times a day, but we do try to limit orders by combining orders.

9. If any vehicles or other equipment will be used as part of your home occupation, where will they be parked or stored?

In 20'x25' shop space, 2 vehicles fit there. Others behind garage. Due to appointments only plan, we control vehicles coming.

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain, including frequency:

Yes, customers and deliveries. Adan does orders at nights so deliveries can all come together next day. Never more traffic than Amazon deliveries.

11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain, including frequency:

Part delivery. They drive small Nissan Versa or small pick up trucks. Occasional tow truck, but we only use 1 person and control when he comes.

12. If your home occupation is a day care center, nursery, or preschool, please state how many children _____ and caregivers _____ will be involved in a typical workday. Please attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.

13. Does the proposed home occupation conform with covenants, conditions, and restrictions (CCR's) pertaining to your property? _____ If no, please explain: _____

Applicant Certification:

I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well.

I acknowledge that before this application may be approved, I must provide notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted.

I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.

I understand the information on this application may be made available to the public pursuant to the Government Records Access and Management Act (UCA 63G-2-101 et seq), unless applicant specifically requests in writing that their personal information remain private.

Date: 1/14/2023

Sign Here: Avin Mujai
Applicant

FOR OFFICIAL USE ONLY

Application Fee (\$15) Received: _____	Approval Date: _____
Fire Inspection, if needed: _____	Conditional Use Permit Required: <u>YES</u>
Health Dept. Inspection, if needed: _____	Conditional Use Permit Approved: _____
Neighbor's Notification Complete: _____	Protests Received: _____

Rec'd original 1/22

Rec'd update 1/17/23

NOTICE TO NEIGHBORS

Date of Notice: 12/19/22

<u>Address</u>	<u>Name</u>	<u>Type of Notification</u>
<u>578 N. 660 W.</u>	<u>Bryce Burnham</u>	<u>Facebook messenger conversation</u>
<u>672 N. 660 W.</u>	<u>Janet Lee</u>	<u>In person</u>
<u>548 N. 660 W.</u>	<u>Cindy Edwards</u>	<u>In person</u>
<u>505 N. 660 W.</u>	<u>Ben Crookston</u>	<u>In person</u>
<u>555 N. 660 W.</u>	<u>John and Mayra Salmon</u>	<u>In person</u>
<u>528 N. 660 W.</u>	<u>Sam Draney</u>	<u>In person</u>
<u>581 N. 660 W.</u>	<u>Foster Harrison</u>	<u>Phone</u>
<u>433 N. 660 W.</u>	<u>Martineau Family</u>	<u>In person</u>
<u>659 N. 660 W.</u>	<u>Gary and Char Mills Family</u>	<u>In Person</u>
<u>664 N. 660 W.</u>	<u>SANIA TILA'ONE</u>	<u>IN PERSON</u>
<u>668 N. 660 W.</u>	<u>Sherri Urry</u>	<u>In person</u>
<u>607 N. 660 W.</u>	<u>Hedi Cox</u>	<u>In Person</u>
<u>650 N. 660 W.</u>	<u>Dianne Salt</u>	<u>In Person</u>

I HEREBY CERTIFY THAT I PROVIDED NOTICE TO THE OWNERS OF PROPERTY WITHIN A 300-FT RADIUS OF MY PROPERTY AS LISTED ABOVE AND LET SAID NEIGHBORS KNOW THEY MAY FILE A WRITTEN PROTEST AT THE CITY OFFICES NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE DATE NOTICE WAS RECEIVED.

Date: 12/20/22

Sign Here: Alan Hujan
Applicant

Hello, thank you for taking the time to review our application. I'm Aimee Hinojosa and my husband, Adan, and I are applying to operate a home business at 638 North 660 West. We own and are the sole employees of Auto Italia Repairs, which we opened in 2016. When we started, we were in a commercial location on 500 South in West Bountiful. After the building we rented was sold and we were told the new owner was not going to renew our lease, we started looking for a new location. This property is an acre property with a large home and a 2,000 sq. ft. garage at the rear of the property. Janet Lee is the current owner of 638 N 660 W, and is currently working on remodeling the home. We are planning on purchasing the property this Spring when the remodel is completed. This property is perfect for our family of 6, as well as what we are proposing for our home business.

We know that an auto repair business is not what would usually be considered for a home run business, but we also are not a typical auto repair shop. We have carefully reviewed the city ordinances and application and feel we can qualify. Adan specializes in European vehicles and operates on an appointment only basis. We do not have walk in customers and we do not have customers wait while work is done. We operated this way when we were in a commercial location as well. Due to the appointments, this also helps to control how many vehicles we have. In the 2000 sq. ft. garage, we have a 20' by 25' area that is designated for the business use, the rest we want to keep available for personal use since this is the only garage on the property. This space fits 2 vehicles so Adan can switch back and forth working as he waits on parts. We are proposing to have no more than 5 customer vehicles at a time. Two in the shop being repaired and then the other three would be vehicles waiting to be picked up, vehicles not yet checked out, or vehicles waiting on customer decision for repairs. We have a policy that any vehicle a customer is waiting to repair or not wanting to have the repairs must be picked up within 2 days of estimate. We do not want to have a junk yard or parking lot in the yard. The outdoor vehicles would be parked behind the garage, by the train tracks and I-15. We will have no street parking for the business. We also are planning to have an office in the home for desk work, paperwork, and filing.

We care highly about the appearance of our home and yard. The property is our home first and business second. We plan to use the majority of the yard for personal use, with a small corner as business parking. We also want to make sure we will not change the residential feel of the neighborhood and wanted to make sure the neighbors were comfortable with what we wanted to do. As you can see on our neighbor notification list, I visited 13 of the closest houses and personally talked to them about our plans. They were all supportive and happy to have our family join the neighborhood. I have lived the majority of the past 25 years in this neighborhood of West Bountiful and have family both directions down the street. West Bountiful is where we consider to be home and we look forward to moving back. Thank you for your consideration!



Front View





Backyard





Backyard View from Garage





Rear driveway





Garage





Behind Garage



PROPOSAL FOR HOME BUSINESS AT 638 NORTH 660 WEST





Planned Privacy Fence with Gate

Mayor
Kenneth Romney

**City Engineer/
Zoning Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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Chairman
Alan Malan

Commissioners
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Laura Mitchell
Corey Sweat
Dee Vest

NOTICE OF PUBLIC HEARINGS

The Planning Commission will hold three public hearings at City Hall on Tuesday, January 24, 2022, beginning at 7:30 p.m. as part of their regular meeting.

The purpose of the hearings is to receive public comment on the following issues:

1. Proposed New Model Home/Sales Trailer Ordinance, WBMC 17.74;
2. Proposed Updates to Swimming Pool Ordinance, WBMC 17.76; and
3. Proposed Clean-up to Land Use Definitions and Miscellaneous Corrections in WBMC 16 - Subdivisions and 17 - Zoning.

More information can be found on the city website at www.WBCity.org in the Calendar or Public Notices section. All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Commissioners

DATE: January 20, 2023

FROM: Staff

RE: Model Homes/Sales Trailers, Land Use Corrections, Swimming Pool Updates

This memo provides proposed changes to the city's municipal code and as previously discussed by planning commission in preparation for public hearings.

1. Model Homes/Sales Trailers, WBMC 17.74 (new)

The city has occasionally been asked to allow model homes or sales trailers in new subdivisions. Neither of these uses are currently included in city code. In the past, these requests have been addressed as part of a development agreement for a PUD. Ivory Homes has requested a sales trailer on their recently approved 6-lot subdivision, Belmont Farms, Phase 1, so they can begin selling future lots. The sales trailer is intended to be used only until a model home can be built.

2. Swimming Pool Updates, WBMC 17.76

Proposed updates to the city's swimming pool regulations were proposed by staff and reviewed by planning commission at its January 10, 2023, meeting. The Commission agreed to the proposed setback changes, rejected the proposed fencing exception, and recommended changing the height for fences surrounding swimming pools from 6-feet to 4-feet.

3. Land Use Corrections to Titles 16 & 17

Sections of Titles 16 & 17 have been identified as not being consistent with the state Land Use, Development, and Management Act (LUDMA) UCA 10-9a. A redline draft correcting the inconsistencies were reviewed by planning commission and are recommended for approval.

Recommendation for Public Hearing

Planning Commission reviewed the proposed changes described above at its January 10, 2023 meeting and presents the attached drafts for public hearing.

WEST BOUNTIFUL MUNICIPAL CODE – MODEL HOMES

17.16.030, 17.20.030, 17.24.030 – Permitted Uses (A-1, R-1-10, R-1-22)

Add to each section:

“Model homes, subject to Chapter 17.74.”

17.44.040 Housing in Certain Commercial Areas Overlay

Add to this section:

“Model homes shall be permitted in the HCCO, subject to Chapter 17.74.”

New Chapter:

17.74 Model Homes/Sales Trailers

17.74.010 Purpose

The purpose of this chapter is to establish use and development standards for model homes to facilitate the sale of homes within an active development.

17.74.020 Definition

As used in this chapter, the following terms are defined as follows:

“Model home” means a dwelling used as a temporary on-site sales office for a residential development under construction.

“Sales trailer” means a trailer used as a temporary on-site sales office for a residential development until a model home can be constructed.

17.74.030 Use

A model home or sales trailer will be allowed for use as an on-site sales facility for active subdivisions ~~consisting of at least six (6) homes~~, subject to the following:

- A. Adequate off-street parking consisting of gravel, concrete, asphalt, or other approved surface will be provided for personnel working in the model home or sales trailer, as well as at least two (2) parking spaces for visitors.
- B. The hours of operation will be posted and limited to 7 am – 10 pm.
- C. The model home or sales trailer shall not be used as a general real estate office but will be limited to the sale of homes within the development.
- D. A maximum of two (2) model homes will be allowed in each subdivision plat.

- E. Duration.
 - 1. Sales trailers may be operated once a building permit is issued for a model home and continue for no more than 270 days.
 - 2. Model homes may be operated until thirty (30) days after a final occupancy permit is issued for the last dwelling in the development.
- F. When the use of the model home as a sales office is discontinued, the home shall be converted to meet all city standards and land use regulations for the dwelling.

17.74.040 Development Standards

The following development standards apply to all model homes and sales trailers:

- A. After a subdivision plat has been recorded, building permits for model homes and sales trailers may be issued before completion of all the approved improvements, subject to the following requirements:
 - 1. The applicant must provide proof of ownership of the property where the model home or sales trailer is proposed to be located.
 - 2. The applicant must sign a statement acknowledging that the applicant takes full responsibility for the risks being taken by constructing a model home or maintaining a sales trailer on-site before the approved improvements are completed.
 - 3. Hard surfaced roads consisting of asphalt, concrete, or other approved surface capable of supporting traffic loads must be completed such that they provide reasonable access to the model home or sales trailer.
 - 4. All fire protection requirements must be met as set and approved, in writing, by the South Davis Metro Fire District.
 - 5. All utility improvements for the full plat must be completed.
 - 6. A Class B Certificate of Occupancy may be issued prior to completion of all approved improvements, subject to approval by the city engineer and building official based on recognized safety standards.
- B. Model homes must comply with all standards and conditions of approval for the development, including building materials, setbacks, and landscaping.
- C. Model homes must comply with all applicable residential dwelling construction standards before and after the discontinued use as a sales office.

SWIMMING POOL UPDATES – WBMC 17.76

17.76 Swimming Pools

17.76.010 Definitions

17.76.020 Private Pools And Use

17.76.030 Semi-Private Pools And Use

17.76.010 Definitions

As used in this chapter:

"**Private swimming pool**" means any constructed pool that is used, or intended to be used, as a swimming pool in connection with a single family residence and available only to the family of the household and private guests.

"**Semi-private swimming pool**" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

"**Swimming pool**" means any constructed pool used for bathing or swimming which is over twenty-four (24) inches in depth, or with a surface area exceeding two hundred fifty (250) square feet.

17.76.020 Private Pools And Use

- A. Swimming pools not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from all rear property lines and seven (7) feet from all side ~~and rear~~-property lines.
- B. Swimming pools shall be completely surrounded by a fence or wall having a height of at least ~~six~~ four feet. There shall be no openings below or in the fence or wall that allow passage of a four (4) inch diameter sphere, larger than thirty-six (36) square inches, except for gates which shall be equipped with self-closing and self-latching devices. Such gates shall be securely locked when the swimming pool is not in use by persons invited by the owner.
- C. Private swimming pools must not directly connect to the city's culinary water system or to the public sewer system.

MISCELLANEOUS CLEAN-UP – LAND USE REGULATIONS

16.04.020 & 17.04.030 Definitions

~~“Exaction” means a condition, often in the form of impact fees, restrictive covenants, or land dedication, imposed at the time of obtaining a building or other development permit used to aid the city in providing public services. Conditional requirements should comply with the standards established in Chapter 17.60 Section 17.44.230 of this code.~~

~~“Lot” means a parcel or portion tract of land, regardless of any label, that is created by and shown established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision plat that has been recorded in the office of the county recorder map and/or parcel map, and having frontage upon a street.~~

~~“Lot line adjustment” means the relocation of the property a lot line boundary line in a subdivision between two adjoining lots or between a lot and adjoining parcels in accordance with UCA Section 10-9a-608 whether or not the lots are located in the same subdivision, and with the consent of the owners of record. “Lot line adjustment” does not mean a new boundary line that creates an additional lot or constitutes a subdivision.~~

~~“Parcel” means any real property that is not a lot.”~~

~~“Subdivision” means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.~~

1. “Subdivision” includes:

- a. the division or development of land whether by deed, metes and bounds description, devise and testacy, ~~lease~~, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- b. except as provided in subsection 2., divisions of land for ~~all~~ residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2. “Subdivision” does not include:

- a. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
- b. a boundary line agreement recorded with the county recorder’s office between owners of adjoining parcels adjusting the mutual boundary in accordance with UCA Section 10-9a-524 if no new parcel is created;
- c. a recorded document, executed by the owner of record revising the legal descriptions of multiple parcels more than one contiguous parcel of property into one legal description encompassing all such parcels ~~of property~~; or joining a lot to a parcel; subdivided parcel or

- ~~property to another parcel or property that has not been subdivided, if the joinder does not violate applicable land use ordinances; or~~
- d. a boundary line~~recorded~~ agreement between owners of adjoining subdivided properties adjusting their mutual boundary in accordance with UCA Sections 10-9a-524 and 10-9a-608 if no new dwelling lot or housing unit will result from the adjustment; and the adjustment will not violate any applicable land use ordinance;
 - e. a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels; does not confer any land use approvals; and has not been approved by the land use authority;
 - f. a parcel boundary adjustment;
 - g. a lot line adjustment;
 - h. a road, street, or highway dedication plat;
 - i. a deed or easement for a road, street, or highway purpose; or
 - 4-j. any other division of land authorized by law.

- 3. ~~The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the un-subdivided parcel of property or subject the un-subdivided parcel to the municipality's subdivision ordinance.~~
- 2. ~~For the purpose of this chapter, a subdivision of land shall also specifically include:~~
 - 1. ~~The dedication of a street through or adjacent to a tract of land, regardless of area, which may create a division of lots or parcels constituting a subdivision;~~
 - 2. ~~Re-subdivision of land previously divided or platted into lots, sites or parcels; and~~
 - 3. ~~Condominium projects.~~

"Zoning administrator" means the building inspector or other person designated by the city council, typically the city engineer, to enforce the regulations of this title.

16.08.010.B Scope of Compliance Required

B. ~~Land A Lot~~ shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.

(previous language implies a parcel outside a subdivision cannot be sold or a building permit issued for the parcel without a final plat.)

16.16.030 Final Plat

K. Security for Public Improvements.

- 1. Prior to a final plat's ~~approval by the city council and its~~ recordation with the county recorder, the subdivider shall enter into an Improvements-bond agreement and a Warranty bond agreement acceptable to the city as security to insure completion of all improvements required in the

subdivision. The bond agreements shall be in a form approved by the city council and may contain specific provisions approved by the city attorney. The agreements shall include but not be limited to the following requirements:

- a. The subdivider agrees to complete all improvements within a period of time not to exceed eighteen (18) months from the date the agreement is executed.
 - b. The improvements will be completed to the satisfaction of the city and in accordance with the city's subdivision standards and specifications (as established by the city engineer and adopted by the city council).
 - c. The bonds, consisting of an Improvements Bond, will be equal to one hundred ~~twenty~~ (12)100 percent of the city engineer's estimated cost of the improvements, including landscaping costs, and a Warranty Bond equal to ten (10) percent of the Improvement Bond.
 - d. The city shall have immediate access to the bond proceeds.
 - e. The Improvements bond proceeds may be reduced at intervals determined by the city upon the request of the subdivider as improvements are installed. The amount of all such reductions shall be determined by the city. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with the city's standards and specifications. All reductions shall be by written authorization of the city engineer and the Improvements Bond shall not be reduced below the estimated cost for the remaining incomplete or unaccepted improvements~~no bond shall be reduced below ten (10) percent of its face value~~ plus the estimated cost of slurry seal ~~either before or after~~ the city's final acceptance.
 - e.f. After the ~~two~~one-year warranty period, the Warranty Bond and any~~the~~ remaining Improvements Bond proceeds, plus interest, ~~shall be~~ refunded to the subdivider with the exception of bond proceeds for incomplete or unaccepted improvements. The amount of this interest will be calculated at a rate equal to that received on the city's other investments in the State Treasurer's Fund and shall be paid on the declining balance of the bond.
 - f.g. If the bond proceeds are inadequate to pay the cost of completing the improvements according to the city's standards and specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed; or, with city council approval, a new satisfactory bond has been executed and delivered to the city; or other satisfactory arrangements have been made to insure completion of the remaining improvements.
 - g.h. The city's costs of administration and cost of obtaining the bond proceeds, including attorney's fees and court costs, shall be deducted from any bond proceeds.
 - h.i. Upon receipt of the bond proceeds, after expiration of the time period for completion of the improvements, the cost of completion shall include reimbursement to the city for the costs of administration to complete the improvements.
 - i.j. The subdivider agrees to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements are complete and accepts the improvements at the end of the ~~two~~one-year warranty period.
2. The bond agreements shall be one of the following forms as prescribed by the City:
 1. A cash bond agreement accompanied by a cashier's check payable only to the City; or

2. An escrow bond agreement and account with a federally insured bank ~~for one hundred ten percent (110%) of the city engineer's estimated cost of the improvements, together with a ten (10) percent cash bond agreement~~ held only by the City.

N. Warranty Period. The warranty period referred to above shall commence upon the date that all improvements required by the city to be installed within the subdivision have been completed to the satisfaction of the city and a final on-site review thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of ~~two~~ one years thereafter. If any deficiencies are found by the city during the warranty period in materials or workmanship, the subdivider shall promptly resolve such defects or deficiencies and request the city engineer to review once more the improvements. At the end of the ~~two~~ one-year warranty period the subdivider shall request the city engineer to make a final warranty period on-site review of all improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall notify the city administrator who shall refer the matter to the city council. The city council shall then review the matter and upon approval of the same shall release the balance of the security posted by the subdivider under the bond agreement.

17.52.070 Location Of Off-Street Parking

Off-street parking in non-residential districts is allowed in the front setback, as long as the parking area is set back and the frontage of the property is permanently landscaped in accordance with Section 17.52.060.~~3C~~.

17.92.020 Storage/Merchandising/Zoning Permitted and Conditional Use Matrix

Restrictions:

1. Provide for visual screening and security as determined by the city (the zoning administrator for permitted uses and the planning commission for conditional uses).
- ~~1-2~~ Merchandise to be stored indoors after business hours.
- ~~2-3~~ Storage not to exceed seven days, with a minimum of thirty (30) days between storage events.
- ~~3-4~~ Storage to be accomplished within a three-sided, roofed building or structure.
- ~~4-5~~ Merchandise shall be displayed in an orderly fashion and shall make up the majority of the business revenue or activity. All merchandise shall be of such a nature as to allow for immediate sale and use.
- ~~5-6~~ Storage shall meet appropriate state and/or federal requirements for environmental protections.
- ~~6-7~~ Seasonal merchandise.
- ~~7-8~~ Materials or equipment used in manufacturing.
- ~~8-9~~ Equipment exceeding 20 feet in height that will be visible from outside the perimeter of the property must be stored indoors; all materials that will be visible from outside the perimeter of the property must be stored indoors or within a three-sided, roofed building or structure.

1 West Bountiful City
 2 Planning Commission Meeting
 3

January 10, 2023

PENDING – NOT APPROVED

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website,
 5 on the West Bountiful City website, and at city hall on January 6, 2023, per state statutory requirement.

6 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 10, 2023,
 7 at West Bountiful City Hall, Davis County, Utah.

8 **Those in Attendance:**

9 **MEMBERS ATTENDING:** Chairman Alan Malan, Corey Sweat, Dennis Vest, Laura Mitchell, and Council
 10 member Kelly Enquist.

11 **MEMBERS EXCUSED:** Mike Cottle, Dell Butterfield

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

14 **VISITORS:** Deby Marshall and Amy Parker.
 15

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

17 **1. Prayer by Commissioner Vest**
 18 **Pledge of Allegiance- Commissioner Mitchell**

19
 20 **2. Confirm Agenda**

21 Chairman Malan reviewed the proposed agenda correcting item #6 with the correct date. Corey Sweat
 22 moved to approve the agenda as corrected. Dennis Vest seconded the motion. Voting was unanimous in
 23 favor among all members present.

24
 25 **3. Discuss New Model Home Ordinance, WBMC Chapter 17.74**

26
 27 Commissioner packets included a memorandum dated January 6, 2023, from staff, regarding a new
 28 Ordinance, WBMC Chapter 17.74, introducing a proposal to allow model homes and sales trailers for
 29 active subdivision developments.

30
 31 Cathy Brightwell explained that the city has occasionally been asked to allow model homes or sales
 32 trailers in new subdivisions. Neither of these uses are currently included in city code. In the past, these
 33 requests have been addressed as part of a development agreement for a PUD.
 34

35 Ivory Homes has requested a sales trailer on their recently approved 6-lot subdivision, Belmont Farms,
 36 Phase 1, so they can begin selling future lots. This sales trailer is intended to be used only until a model
 37 home can be built.
 38

39 She described the proposal by staff for sales trailers and model homes that provide regulations and
 40 standards required for this use. Because the standards will be provided in Code, staff recommends the

41 use be listed as permitted in all residential zones and the Housing in Certain Commercial Areas Overlay
42 (HCCO).

43

44 **Commissioner Discussion:**

45 There was discussion about road material for temporary roads and parking lots. It was noted that
46 asphalt will be required for roads, but we may need to consider other options on occasion. Staff also
47 clarified that utilities will be required in all cases even if some public improvements are not complete.
48 Mr. Malan inquired about issuance of a certificate of occupancy. Ms. Brightwell stated that according to
49 the city building inspector, a class B-certificate of occupancy can be issued for both the trailer and model
50 home prior to the home being used as a dwelling and it will require ADA compliance. Kris Nilsen
51 explained that trailers will only be allowed once a building permit is submitted for a model home. Some
52 discussion took place regarding the size a subdivision can be to have a trailer or model home.
53 Commissioners decided that there was no need to set a minimum size requirement. A public hearing
54 will be scheduled for the next meeting.

55

56 **4. Discuss Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76**

57

58 Commissioner packets included a memorandum dated January 6, 2023, from staff regarding WBMC
59 17.76 – Swimming Pools, that includes a proposal to update the city’s swimming pool regulations.

60

61 Cathy Brightwell introduced this agenda item. She noted that staff is proposing pool setbacks for side
62 yards to be changed from 10 feet to 7 feet to be more consistent with other rear yard structures and the
63 typical side yard public utility easement (PUE). The 10 foot rear yard setback should remain so that pools
64 do not encroach into the typical 10 foot rear yard subdivision PUE. Commissioners concurred with the
65 staff recommendation.

66

67 In addition, the city currently requires a 6-foot fence with self-closing/self-latching gates to enclose a
68 private swimming pool. This safety measure is intended to keep small children and other non-invited
69 guests from accessing a private backyard pool and risk drowning.

70

71 She explained that updates have been made to the ASTM Standards (American Society for Testing &
72 Materials) which are adopted as part of the International Residential Building Code (IRC) that provide an
73 exception to the fencing requirement. Pools with powered safety covers that comply with ASTM F 1346-
74 91 are not required to meet the fencing standards. This safety designation is routinely listed on the pool
75 cover, on the company’s website, literature, and brochures. Language has been proposed that would
76 include the fencing exception in our code.

77

78 **Commissioner Discussion:**

79

80 After discussion, commissioners agreed that the exception to fencing regulations should not be included
81 in our code, but that the fencing regulations be changed from a 6-foot fence to a 4-foot fence with a
82 self-closing and self-latching device to match state and federal regulations. This fence could either be
83 placed around the perimeter of the property or just around the pool.

84

85 Commissioner Sweat noted that regardless of any rules implemented, an irresponsible homeowner will
86 still cause safety risks. It was noted that the city is not liable for residential negligence.

87

88 A public hearing will be scheduled for January 24, 2023.

89
90 **5. Discuss Clean-up Corrections and Updates to Miscellaneous Land Use Regulations in Titles**
91 **16 and 17.**

92
93 Commissioner packets included a memorandum dated January 6, 2023, from staff regarding
94 Miscellaneous Land Use Code Corrections and Updates with an attached redline copy of Title 16 and 17.
95

96 Cathy Brightwell stated that over time Mr. Doxey and staff have run across areas of the city's land use
97 code that need corrections or updates to be consistent with the state Land Use, Development, and
98 Management Act (LUDMA), UCA 10-9a. A redline draft was reviewed with commissioners.
99

100 Kris Nilsen explained the bond process in WBMC 16.16.030.K (Final Subdivision Plat - Security for Public
101 Improvements) and noted that 100% is an Improvement Bond is 100% and an additional 10% is collected
102 as a Warranty Bond with each having different release times. The two-year language will be changed to
103 one year to match state code. He said that Improvement Bonds are released by staff as improvements
104 are completed and the warranty bond is kept for one year after subdivision is approved and can only be
105 released by the City Council.
106

107 There was discussion about the Outdoor Storage section and the need to correlate with prior
108 codification of our city code. Commissioners would like to review the Storage/Merchandising/Zoning
109 Permitted and Conditional Use Matrix in upcoming meetings.
110

111 A public hearing will be scheduled for January 24.
112

113 **6. Consider Meeting Minutes from November 15, 2022.**

114
115 **Action Taken:**

116 ***Corey Sweat moved to approve the minutes from November 15,2022, as corrected. Laura Mitchell***
117 ***seconded the motion and voting was unanimous in favor.***
118

119 **7. Staff Report**

120
121 **a. Engineering (Kris Nilsen)**

- 122 • Ivory Homes and Belmont Farms are currently connecting to utilities. Pavement is pending
123 until spring.
- 124 • Public Works building should be sealed up this week so that mudding and taping can begin
125 inside.
- 126 • We used most of our Weber Basin water allotment this year. 400 North Well is up and
127 running. It will take a bit of work to manage the fluoride, but they are working on it.
- 128 • We received two grants for widening and installing curb and sidewalk on the east side of
129 1100 West which should cover the entire cost of the project. This project will likely be
130 scheduled for 2024.
- 131 • Google Fiber has 3 permits open with the first one almost completed. Staff and Steve are
132 addressing several construction complaints and have escalated them to Google's
133 management. There will be a final inspection and anything that needs to be fixed will be
134 fixed.
135
136

137 **b. Community Development (Cathy Brightwell)**

- 138 • There will be an upcoming agenda item regarding a Conditional Use Permit for a home
- 139 occupation application for an auto repair shop. It may appear on the agenda at the next
- 140 meeting.
- 141 • Bill Goldberg wants to sell off some of his property to a neighboring property owner that is
- 142 not annexed into the city. Staff is working with him on this issue.
- 143 • There will be a Legislative Town Hall Meeting tomorrow night at 7:00-8:30 pm at City Hall.
- 144 There will be information regarding what will be coming forth in the upcoming session.

145
146 **Commission Reports/Comments:**

147 Dennis Vest reminded staff that the commission would like to review detached ADUs and asked that
148 they be put on the agenda in the near future. Cathy noted that staff has begun researching these issues
149 and there is also a chance that legislative changes may be made during the upcoming session so the
150 issue may not be ready to bring forward immediately.

151
152 Chairman Malan thanked staff for helping with the Elf Tree this year and noted the positive impact it has
153 on families’ lives. Cathy noted that Shelley Bruhn headed the efforts as the city had low staff and could
154 not manage the entire project.

155
156 **8. Adjourn.**

157
158 **Action Taken:**

159 ***Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:05 pm.***
160 ***Corey Sweat seconded the motion. Voting was unanimous in favor.***

161
162

163
164 *The foregoing was approved by the West Bountiful City Planning Commission on January 24, 2023, by*
165 *unanimous vote of all members present.*

166 _____

167 *Cathy Brightwell – City Recorder*

168