

**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](http://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, MARCH 14, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Cottle;  
Pledge of Allegiance – Commissioner Butterfield.
2. Confirm Agenda.
3. Conditional Use Application #23-03 for Chickens at 821 W 1060 North – Tyler & Natalie Jones.
4. Building Permit Fee Discussion.
5. Meeting Minutes from February 28, 2023.
6. Staff report
  - a. Engineering (Kris Nilsen)
  - b. Community Development (Cathy Brightwell)
7. Adjourn.

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*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the city website on March 10, 2023, by Cathy Brightwell, 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 March 10, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 14, 2023, at West Bountiful City Hall, Davis County, Utah.

***Those in Attendance:***

**MEMBERS ATTENDING:** Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Laura Mitchell, Mike Cottle, Dell Butterfield (Alternate), and Council member Kelly Enquist.

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

**VISITORS:** Paul Giles, Deby Marshal, Tyler and Natalie Jones, Gary Jacketta

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

- 1. Prayer by Commissioner Cottle;  
Pledge of Allegiance- Commissioner Butterfield**
- 2. Confirm Agenda**

Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda as presented. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

- 3. Conditional Use Application #23-03 for Chickens at 821 West 1060 North for Tyler & Natalie Jones.**

Commissioner packets included a memorandum dated March 10, 2023, from Cathy Brightwell regarding Conditional Use application #23-03 for chickens at 821 West 1060 North for Tyler and Natalie Jones with attached application, site plan, and a copy of the Farm Animal Ordinance.

Cathy Brightwell explained that Tyler and Natalie Jones have applied for a conditional use permit to have 13 chickens on their property. They do not currently own any chickens and have no intention of having roosters. She noted that under the city's point system for farm animals, the Jones' have 27 points available; chickens are assigned 4 points each. WBMC 17.24.080 A.2. authorizes the Planning Commission to decrease the number of points for small animals from 4 points to 2 points each subject to approval of a conditional use permit. Regulations require that all animals be kept in an area enclosed by a fence or structure sufficient to prevent escape; the chicken coop and pen are at least 6 feet from any property line or dwelling; and that animal waste, debris, noise, odor, and drainage be kept in accordance with usual and customary health standards.

Ms. Brightwell noted that staff has reviewed the request and does not object subject to the proposed conditions. Adjacent neighbors have been contacted and none have objected to the request.

**Action Taken:**

***Corey Sweat moved to approve the Conditional Use Application for Tyler and Natalie Jones at 821 W 1060 North for 13 chickens with the Findings that the proposed use will comply with the regulations and conditions specified in the land use ordinance for such use and will conform to the intent of the city's general plan. The conditions imposed are that the Conditional Use Permit will expire upon sale of the property (WBMC 17.60.090), chickens will be kept in an area enclosed by a fence or structure sufficient to prevent escape, the coop/run will be located a minimum of 6 feet from any property line or dwelling and in order to protect the health, safety, and welfare of the animals and the public, animal waste debris, noise, odor, and drainage will be kept in accordance with usual and customary health standards associated with chickens. Failure to comply with these regulations will invalidate the Permit. Mike Cottle seconded the motion and voting was unanimous in favor.***

#### **4. Building Permit Fee Discussion**

Commissioner packets included a memorandum dated March 10, 2023, from Kris Nilsen & Cathy Brightwell regarding Building Permit Fee discussion with an attached redlined fee schedule.

Cathy Brightwell explained that staff has been reviewing the city's fees for building permits as they have not been updated in many years. Several fees do not cover the costs associated with the work, and some the fees are based on valuations calculated from a formula used in the 1997 International Building Code (IBC). She stated that the city currently uses the 2018 IBC.

Staff would like to begin initial discussions on how best to address the issue of fees and how to handle refunds when permits are cancelled. In the short term, staff would like to update several of its frequently used fees to better match the cost of the work. In the future, the city may want to conduct a broader more detailed study to determine costs and fees.

Cathy provided some history on how the fees were determined including several that have been given flat fees due to the consistent reviews and inspections needed, such as solar and pools, regardless of their size. Permit fees are intended to cover administration and inspection costs and plan review fees are set at 50% of the permit fee for residential and 65% of the permit fee for commercial. We also collect 1% of the permit fee on behalf of the state.

She pointed out that two of the most frequently used fees – electrical and mechanical – have had the same rates for many years and do not cover their cost. The city currently charges \$45 for these permits even though they require an inspection by the building inspector whose fees are \$50 per hour with a minimum 30 minute fee. In this case, the building official's fees are a minimum of \$50 plus administrative costs to input the permit, prepare copies for review, collect fees, file the issued permit, and in the case of electrical permits, call Rocky Mtn Power with the clearance information.

There was some discussion about how to refund deposits and fees if a permit is cancelled. Ms. Brightwell pointed out that there are situations, especially as a result of the pandemic where material costs increased significantly and/or materials were not available. Refunds need to be based on whether the plan review has been completed but it's not clear how to handle the administration costs. Percentages don't work well because deposits range from \$100 to \$1000 so a flat fee is more reasonable. If plan review has been done then that portion would not be refunded, but the permit fee should be refunded at a pro-rated rate. Currently there are about 5 permits that need to be refunded. Staff's recommendation is to refund the money that has not cost the city time and money for review.

Some discussion took place. It was determined that unused costs should be refunded with the additional fees for the cost of administration time which would be approximately \$25 to \$50 dollars.

There was discussion on how valuations are determined. Cathy explained that the IBC directs the valuation, or cost of construction, to be provided by the contractor or homeowner. If a valuation is not provided, staff can calculate the value based on a square footage formula but this method is typically way off from the valuation when provided. Chairman Malan felt that the valuation should be done based on square footage regardless of what the contractor cost is and then apply the building permit fee formula to come up with the fee. Commissioner Sweat concurred.

Commissioner Butterfield suggested this discussion be tabled to collect more information on what things truly cost. He suggested that we review fees of other cities to help gauge the reasonableness of proposed fees and conduct an annual review of fees to keep current.

Cathy Brightwell noted that she has reviewed fees in surrounding cities and in most cases, our fees are lower. She recommended that a more in depth study be performed as we have time but consider adopting the suggested fees now to be more in line with costs until we can study the issue in more depth.

This is the information that staff would like further direction on:

1. Update the Building Permit Fee Formula from the 1997 IBC to the 2018 IBC.
2. Update frequently used permit fees to better match the associated costs, including electrical and mechanical permits, pool permits, and sign permits.
3. How to refund deposits/fees when a permit is cancelled.

It was determined that Staff will do further research and come back with more information for continued discussion.

Ms. Brightwell also stated that staff is looking to update regulations for construction bonds and when and to whom they are released. In the past, bonds were held until landscaping was completed, but two years of drought and landscape restrictions caused us to reconsider. It was not reasonable to hold a construction bond for that long when landscaping was being restricted by the city.

Some discussion took place. It was determined that more information is needed before recommendations can be made. Staff will bring back some ideas.

## **5. Consider Meeting Minutes from February 28, 2023**

### **Action Taken:**

*Laura Mitchell moved to approve the minutes from February 28, 2023, as presented. Dennis Vest seconded the motion and voting was unanimous in favor.*

## 6. Staff Report

### a. Engineering (Kris Nilsen)

- Google Fiber will be done with cutting in the next couple of weeks and then finish with the clean-up. Potential users will be contacted when they are ready to turn up service.
- Public Works facility outdoor improvements are going slow due to weather.
- City Council will tour the Public Works building at their April 4<sup>th</sup> meeting at 6:30 pm, planning commissioners are welcome to join. It was suggested that they do an open house for the public once the building is completed.
- 400 North well is up and running, but we're still working on a few fluoride components.
- Weber water meters are being installed but will not be individual usage billing will not begin until 50% of the users are online.

### b. Community Development (Cathy Brightwell)

- County is still contacting people regarding annexation. Loveland Nursery is anxious to get the process moving and will plan to move forward on their own if the process continues to be delayed.
- Ivory Homes has still not provided the necessary information to get the Phase 1 plat recorded and we are told there is high demand for the remaining lots. Ivory has not presented any plans for future phases of development even though we have heard many comments from realtors and residents about their plans for smaller lots.
- We are doing research on detached ADU's so discussion can move forward now that the legislature is over. BU zoning is also on the list of items to be considered in the future.
- The 3+ acre property owned by Liz Moore's family on 800 West just north of Holly is for sale. Holly has indicated they are not interested in purchasing the property and potential buyers are not interested in living/developing next to a refinery. They may be coming in with rezoning proposals that will not impact the residential neighborhood.

## 7. Adjourn.

### Action Taken:

*Corey Sweet moved to adjourn the regular session of the Planning Commission meeting at 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 on March 28, 2023, by unanimous vote of all members present.*

Cathy Brightwell  
Cathy Brightwell – City Recorder