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Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Dennis Vest, Alternate

**THE WEST BOUNTIFUL PLANNING COMMISSION
WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM
ON TUESDAY, SEPTEMBER 11, 2018 AT THE CITY OFFICES**

Prayer/Thought by Invitation

1. Accept Agenda.
2. Discuss Possible Changes to Title 17 - Yard Regulations
3. Discuss Proposed Changes to Title 16 - Subdivisions
4. Staff report
5. Consider Approval of Minutes from August 28, 2018 meeting.
6. Adjourn.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on September 7, 2018 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

September 11, 2018

***Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website and on the West Bountiful City website on September 7, 2018 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 11, 2018 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Mike Cottle, Laura Charchenko, Dee Vest (alternate) and Council member Kelly Enquist

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell (Recorder), Debbie McKean (Secretary)

VISITORS: Gary Jacketta and Stephen Sundstrom

The Planning Commission Meeting was called to order at 7:30 pm by Chairman Hopkinson. Dee Vest offered a prayer.

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as presented and Alan Malan seconded the motion. Voting was unanimous in favor among all members present.

2. Discuss Possible Changes to Title 17- Yard Regulation

Commissioner's packet included a memorandum dated September 7, 2018 from Ben White regarding Title 17 – Rear Yard Encroachment with an attached example of a resident's request for a covered patio.

Ben White explained that a resident challenged why our city code in the R-1-10 would not allow a roof over a rear yard patio to encroach into the thirty-foot rear setback. The City Council has requested the Planning Commission to explore whether there would be a permissible application for structures such as patio coverings to encroach into the 30' rear setback. Mr. White explained what the resident would like to do and displayed a picture of his proposal. The setback would be 25 feet from the rear property line and the patio will not be an enclosed structure.

Chairman Hopkinson reviewed some of the discussions that have been had in the past regarding setback regulations. He explained that the person(s) impacted by the lesser encroachment are the neighbors surrounding the structure not the person building the structure. He noted that our setbacks are specific to what West Bountiful citizens desire. This has been discussed in detail before. He invited comments from each Commissioner.

Commissioner Comments:

Alan Malan understands the request but feels that there must be some restrictions and guidelines set to maintain some control and consistency. He pointed out that he could build a roofed structure 10 feet away from his property line and home if he desired.

Laura Charchenko said that while this request does not cause her problems, there are some situations where it may matter and that once allowed a can of worms may be open. She posed the question - where do we draw the lines within the setback requirement? She is open to exploring the idea of change but feels there was a reason it was restricted in the first place.

Mike Cottle understands what we are trying to preserve but does not see that this particular situation hurts anything.

Dee Vest concurs with Commissioner Cottle and feels that 20 feet is a reasonable setback for both a covered and uncovered deck. He commented that height may be a factor, but this request is for a ground level patio cover.

Councilmember Enquist asked for clarification on the setback of 20 feet and Mr. White explained what the restriction is and that it is not a covered structure. Mr. White pointed out the difference between a covered deck and an enclosed structure.

Points for discussion include:

- Uncovered decks are allowed to encroach into the rear setback up to 200 sq. feet and within 20 feet of the rear property line.
- Would a height restriction on a patio cover allow it to be a permitted use?
- What encroachment into the rear yard might be acceptable?
- Does the permissible encroachment distance change with size or height?
- Once allowed, would it be hard to close the permitted use. Gabled structures vs single pitched structures. Gable requires a taller roof peak
- Separation of patio covers vis deck covers can be difficult.
- What is the reason the city has the restriction of the 30" setback requirement?
- Does this request have any impact on the city's accessory structure standard?

Chairman Hopkinson pointed out that maybe in this situation the setback may not matter but offered some examples where it could matter. He noted that in order to get a setback allowance for a deck, residents must come before the Planning Commission for a conditional use permit. The code would have to be specifically defined to make things work well.

Some discussion took place regarding pros and cons. Chairman Hopkinson wants to do what the citizens of West Bountiful want and leans more toward keeping the code as is. He does not want to put it into a conditional use situation or place staff in a position to have to make tough decisions in each request. He would like it to be a cut and dry code that matches the feel of what West Bountiful is.

Chairman Hopkinson would like to have a draft that could be forwarded to the City Council reflecting their views on this situation.

3. Discuss Proposed Changes to Chapter 16 – Subdivisions

Planning Commissioners received a memorandum dated September 7, 2018 from Ben White regarding Title 16 - House Keeping and Miscellaneous Changes, along with a redline copy of Chapter 16 - Subdivisions.

Mr. White explained that earlier this year the City hired a consultant, John Janson, to review our municipal code to see if it conformed with the current State Code. A redline copy of Chapter 16 with proposed changes from both Staff and Mr. Janson are provided this evening for commission review. He informed them that Steve Doxey has reviewed the document as well. Some of the changes to note in this document are as follows:

- Definitions have been updated to match state code, city code and to be clearer to understand.
- Requirements for issuing a building permit have been revised to match State Code.
- Fee language has been simplified and fee schedule has been updated to reflect the current adopted fee schedule.
- A Future Transportation Plan is being prepared to be reviewed and adopted by the City. This will include future street requirements for right of way widths and road placements for streets.
- Staff would like to change the remnant parcel size to 2000 square feet rather than left as the minimum size permitted by the zone.
- Language has been clarified that the 6-month extension must be requested prior to the expiration of the 12- month approval.
- Bonding requirements changed to match State Code. Improvement bonds are reduced from 110% of the estimated cost of improvements to 100%
- Section 16.28.150 Appeals section is being deleted and will be addressed according to the procedures that are already outlined in the code.

Chairman Hopkinson asked staff to point out what language is to comply with State Code and what is being suggested from Staff and the Consultant.

Ben White stated that clarification is key to this document as well. Some definitions, language/ clarification/housekeeping, grammar, code compliance, an added transportation plan, etc. are all included in the changes made in this document. He walked the commission through the document reviewing each page and pointed out the changes being proposed and who suggested the change.

Mr. White noted that on page 11 there is a substantive change regarding remnant parcels that changes the size from the minimum size of the zone to 2000 square feet. This change will make it easier to deal with remnants in one acre and half acre zones.

Some discussion took place regarding removing language on page 19 – K. Security for Public Improvements, Section f. Chairman Hopkinson prefers the language be kept in that allows the city to withhold building permits until all improvements are complete. Mr. White explained that state law prohibits us from doing that. Commissioners agreed with Chairman Hopkinson in principle but realize

that it cannot be enforced per State Code therefore there is no reason to keep the language in the document. Ben pointed out that State Code trumps City Code and it is important to be compliant with State Code. If the language is left in, the city would not be able to enforce it; State law dictates what the City can do.

Chairman Hopkinson asked to clarify the definition of Subdivision on Page 5 and reword the language so it is easier to understand. Cathy noted that the language was copied from State Code word for word.

Mike Cottle asked for a correction on Page 9, #4 to strike "every".

Alan Malan pointed out the following changes he would like to see made:

- On page 3-top, construction standards are not in code. Ben White agreed that some of our construction standards should be included in this document but not all of them.
- On page 4, Subdivision - 1. Of should be "or". Also, is there better language for "re-subdivided?"
- On page 5, regarding lot line adjustments. Ben is trying to define the process that needs to be followed according to the State requirements for plat amendments.
- On page 7b, - last sentence "or the developer" be added.
- On page 8-top, E1 does not match the language found in A under Fees. Ben clarified that there are 3 different application fees. He will see if he can clarify that language.
- On page 11, does not like changing the lot remnants language and he would like a period after adjacent lots. Chairman Hopkinson argued what if there are no adjacent lots? Some discussion took place regarding remnant pieces of land and what to do with it.
- On page 13, regarding electronic copies (are two copies necessary?). Ben answered to the affirmative.
- On page 15, Is there a way to list a standard size of constructions drawings?

Councilmember Enquist asked if the definition on page 8 regarding a mylar flat an outdated term.

Material discussed so far this evening regarding this document satisfied the questions and comments of the other Commissioners present.

3. Staff Report

Ben White:

- We will not be reviewing the Grover Subdivision at this time. Purchase contract expired but Mike Cottle said that it has been reinstated.
- Mountain View Estates was approved by City Council at their last meeting.
- McKean Subdivision passed the water test but did not pass the second time. It must pass inspection two times in a row.

Cathy Brightwell:

- Secondary Water will be shut down on October 1st instead of October 15.

5. Consider Approval of Minutes from August 14, 2018 meeting.

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes of the August 28, 2018 meeting as presented. Alan Malan seconded the motion and voting was unanimous in favor.

6. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:05 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 September 25, 2018 by unanimous vote of all members present.



Cathy Brightwell – City Recorder

