

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
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, NOVEMBER 10, 2020**

Meeting will be held exclusively via Zoom (see info below)

The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.

Prayer/Thought by Mike Cottle

1. Accept Agenda.
2. Discuss Historic Overlay District Regulations.
3. Discuss Updates to Accessory Dwelling Units Regulations
4. Staff report.
5. Consider Meeting Minutes from October 27, 2020.
6. Adjourn.

Join Zoom Meeting

<https://us02web.zoom.us/j/89120463106>

Meeting ID: 891 2046 3106

One tap mobile

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Dial by your location

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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 November 6, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

November 10, 2020

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 November 6, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 10, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

STAFF ATTENDING: Duane Huffman (City Administrator), Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) in house, Steve Doxey (Legal) and Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: John Jansen, Jake Young

The Planning Commission meeting was called to order at 7:30 pm by Vice Chairman Alan Malan for Chairman Hopkinson who will join our meeting late. Mike Cottle offered a thought and a prayer.

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

1. Accept Agenda

Vice-Chairman Alan 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.

Duane Huffman introduced John Jansen and Jake Young (via Zoom), independent contractors who have been hired to help with city planning and moderate income housing reporting. An annual report on Moderate Income Housing is due to the state on December 1st. Tonight they will lead a discussion on our ADU regulations and briefly introduce other housing issues for the future. The report due on December 1, 2020 needs to show that we as a city are making

progress with the moderate income housing options we selected in last year's report. Mr. Huffman excused himself at this point.

2. Discuss Historic Overlay District Regulations

Commissioner packets included a memorandum dated November 6, 2020 from staff regarding Historic Overlay District ("HOD"). The memorandum included the following information:

Introduction

The planning commission has been researching and discussing these issues for several months. Multiple properties have been allowed to be removed from the HOD and a review to determine whether these regulations are still relevant is needed.

Background

The original West Bountiful Historic District was registered to the National Register of Historic Places (U.S. Department of Interior, National Park Service) in 2004.

The Historical Overlay District, adopted in 2012, includes historic homes on 800 West and the Heritage Pointe subdivision. This district does not entirely match the boundaries of the original historic district.

On November 3, 2020, the city council removed the Heritage Pointe subdivision from the HOD.

Current Historical Overlay District

The HOD consists of approximately 27 properties along portions of 800 West plus the 36 lots in Heritage Pointe subdivision. Included in these numbers are 1 vacant lot in Heritage Pointe, 1 vacant lot on 800 West, and a 6.7 acre property that is mostly undeveloped.

The current map shows the boundaries of the District which are irregular in shape. On the east side of 800 West, the District begins at the Fisher home on 1000 N and goes south to the Mackey home on the north side of city hall. This includes the Pages Circle subdivision built in 2007 and an LDS chapel. On the west side of 800 West, the District begins with the Hopkinson property (1300 N) and goes south to the DeWaal home on 400 N. The west boundary juts in and out in several places excluding a few homes built in the late 1800's. This west portion also included the Heritage Pointe subdivision.

The age of homes in the District range from 1882 to 2019.

Next Steps

At its last meeting, the planning commission discussed removing Heritage Pointe subdivision from the HOD but wanted more time to evaluate the impact to the properties on 800 West

also included in the District. It was also suggested that a review of the current general plan and its references to the historic district be reviewed.

The current and original zoning maps, historical overlay district regulations (proposed, and original), and relevant general plan pages are attached for your review and discussion.

The following are options for discussion are based on direction from the Commission's last meeting.

- Eliminate the HOD entirely
- Eliminate the design and construction requirements in the HOD, keep policy statements encouraging property owners to preserve historical aspect of homes and an update map of historic homes
- Modify general plan to complement the option selected.

Cathy Brightwell informed the commissioners that the city council voted to remove Heritage Pointe subdivision from the overlay district at the last council meeting and is looking for additional recommendations from the planning commission on the HOD.

Ms. Brightwell said staff explored many options and ideas including completely deleting the HOD code but left in some policy language to ensure it was clear the city favors protecting the historic homes in the city and to be consistent with the general plan. The only enforceable requirement remaining is one that has homeowners providing pictures to the city prior to historic homes being demolished or substantially renovated.

Mike Cottle noted that he loves the historic homes on 800 West, and it makes our city what it is. As we consider changes to the historic district, he would like the homeowner to have the chance to choose whether they are in the district or not.

Alan Malan noted there are discrepancies in the HOD map and the boundaries are different than the historic district. He stated that we need to decide what the district boundaries are and what the regulations will be within the district or if we just recognize a historic area on paper without any requirements.

Corey Sweat noted that we keep getting requests to remove properties from the district and nobody wants to deal with the restrictions on the properties. He sees no reason to maintain the restrictions in the code if properties can be easily removed.

Laura Charchenko supports Corey Sweat's position. She feels we should do away with overlay district and the design restrictions but keep the original Historic District noted. She agrees that we should have pictures taken and note when changes are made so a history is

kept of the district. It does not make sense to extend the district when historic homes are not going to be built. She supports the map that was presented by staff this evening.

Chairman Hopkinson concurred with the ideas that have been shared among the commissioner's this evening noting that the map and language makes sense. He too, supports striking the overlay district language.

Councilmember Enquist would like to see things transparent and language clear for all to understand and be consistent to the general plan.

There was discussion on what homes to include on the map. It was decided to list all homes in the area that front 800 West from 200 North to the Hopkinson property and to add the historic homes on 1000 North. Cathy Brightwell noted there are currently a few signs up that define the district and we may want to add a few more to recognize the other areas within the district - signage at the North, South, East, and West points of the Historic District.

Some discussion took place about possible street scape options. Mr. Doxey suggested that if they choose to add more requirements, examples should be included. Cathy Brightwell noted that some efforts were made in the past to add historic options to 800 West like larger park strips, historic lighting, etc., but it became difficult and expensive to honor those ideas and now the entire road has been re-constructed.

All Commissioners supported eliminating the regulations but keeping the district in place.

Mr. Doxey will blend what the commission decides to do with the general plan to keep them congruent. He has mixed feelings about keeping a formal zone or district if there are no regulations applied. He stated that the general plan is a great place to put policy language regarding how the district is respected. He added that if no regulations are in place, the remaining historic district should be referred to as an "area" or "district" and should not be called a "zone."

Direction was given to staff to prepare a general map of the area and use the proposed language that requires pictures and notes to be submitted if significant changes are made or property demolished within the district. Commissioner Sweat felt that we need to take pictures now and have documentation on file as some residents may not know to do so.

Mr. Doxey stated one more meeting should be held to review the changes before a public hearing is scheduled.

3. Discuss Updates to Updates to Accessory Dwelling Units Regulations

Commissioner packets included a memorandum from Staff dated November 6, 2020 regarding draft updates to Accessory Dwelling Unit (“ADU”) regulations with an attached copy of suggested changes.

Cathy Brightwell re-introduced John Janson and Jake Young who have been hired to help the city create the report that is due December 1st regarding Moderate Income Housing as part of SB-34 (2019).

The housing section of the city’s general plan puts an emphasis on the value of ADUs in expanding the range of housing options within the city. In listing benefits of ADU’s, the general plan states: “In addition to providing affordable rental housing, they can allow first-time homeowners to gain access to homes that would otherwise be out of reach by renting out an additional unit.”

SB 34 required the city to identify strategies to assist with the implementation of moderate-income housing options in the city. One of West Bountiful’s strategies was to “create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.”

Jake Young introduced himself and gave a brief presentation on Accessory Dwelling Units. He noted that state law allows different types of ADUs including attached and detached but cities can limit which of these they want. West Bountiful currently requires ADUs to be attached to the primary structure. He noted some of different names of ADU’s: tiny homes, flats, carriage homes, mother-in-law apartments, etc. They are designed to blend into the neighborhood without devaluing the property. He explained that the main reason for these dwellings is to provide opportunities for family members to age in place or give adult children an affordable place to live until they can afford to live on their own. Even though these are great options, there are only about 5% of property owners building these dwellings.

Mr. Janson reviewed some suggestions to the ADU code language.

- Use plain language that is clear to understand.
- Conditional Uses should be used sparingly. If criteria is in code, no need for conditional use. (He added that changes should also be considered to the conditional use code.)
- West Bountiful does not allow detached ADU’s. Is there interest in adding them?
- Add building code requirements.
- How to deal with illegal ADU’s especially in older homes where compliance with building code is difficult? Cathy Brightwell noted that most ADU’s in the city are now coming as part of new builds in our larger expensive homes in anticipation of taking care of family members.
- Consider provision to allow for some temporary conditions where homeowner is not onsite?

- Require business license for landlords charging rent above a set amount? This allows tracking of ADU's and an option for enforcement if needed. Cathy Brightwell noted that West Bountiful does not currently license any landlords in the city.

There was discussion about the suggestion was to eliminate the conditional use requirement for ADUs since the necessary criteria is already included in code. This option is consistent with previous changes made by the city in other areas of code.

Chairman Hopkinson asked specifically what updates are required as part of SB-34. He recognized that there is a big demand in Davis County for affordable housing but is not convinced multi-family housing, especially multi-level apartment buildings are affordable. He is not sure what the panic is by cities when the legislation does not appear to have any teeth. Why do we need to make modifications if we do not believe they are in the best interest of our unique city?

Jake Young explained that the incentive to comply is access to \$700M in transportation funding. The state has recognized a great need for economical housing. Mr. Jansen noted it is getting extremely hard for young people to afford housing. The legislature is trying to meet the needs of individuals impacted by the housing crisis. He added that if cities do not do their part to help mitigate the housing crisis future legislation is likely to add more requirements that may be enforceable. The state would much rather have cities voluntarily make a plan that works for their city and not have to meet specific regulations by the state.

Mr. Jansen stated that as part of the report, it is important that each city shows they are working toward the goals they set last year; it is not necessary for them to have fulfilled the goal. He showed some slides featuring what we have set as goals and offered some ideas for changes.

Chairman Hopkinson noted his appreciation to John and Jake and the ideas that they have shared this evening. We are a city of 6400 people and carefully consider what to do based on what people have asked us to preserve. He pointed out that we have been trying to move away from conditional uses and more toward permitted uses.

John Jansen stated that as a city, you have the right to make decisions that are best for your community. Jake Young added that he understands the small city and how they want to maintain the quality and integrity of the community.

Mr. Jansen invited them to email him with ideas so he can include them in the next discussion and so that he can prepare the required report for our city. He suggested that the conditional use ordinance be one that they do more work on.

4. Staff Report

Kris Nilsen

- Pickle ball bid opened on Thursday with 3 bids received.
- Downloaded plans for the well on 400 North for review and input to CRS
- Beverly Estates 3-lot subdivision (Olsen property) and kennel has been removed.
- Jason Pierce got a stop order on a metal shed that he was building without a permit. City received complaints on it. Under review.
- Mike Cottle commented that it appears Jed Christensen is still selling hay on his 800 West property.

Cathy Brightwell

- Wingers, 5 Below have received building permits.
- Santorini's Greek Grill, Premier Martial Arts and Olive Garden should be complete soon.

5. Consider Meeting Minutes from October 27, 2020

Action Taken:

Laura Charchenko moved to approve of the minutes of the October 27, 2020 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

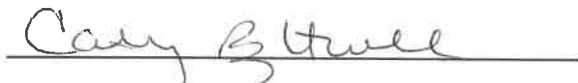
6. Adjourn

Action Taken:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:42 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 November 24, 2020, by unanimous vote of all members present.



Cathy Brightwell – City Recorder

