

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
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, JANUARY 12, 2021**

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 Alan Malan

1. Accept Agenda.
2. Public Hearing Regarding a Proposal to Eliminate the Historical Overlay District - WBMC 17.24.110 and Establish a New Historic District.
3. Consider Proposed Changes to WBMC 17.24.110 Historical Overlay District and Historic District Map.
4. Discuss Proposed Changes to the West Bountiful General Plan Associated with Historic Areas and Set Public Hearing.
5. Discuss Proposed Changes to WBMC 17.82.110 Accessory Dwelling Units
6. Staff report.
7. Consider Meeting Minutes from November 24, 2020.
8. Adjourn.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/83245492865>

Meeting ID: **832 4549 2865**

Dial by your location

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+1 646 876 9923 US (New York)

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on January 8, 2021 by Cathy Brightwell, City Recorder.

Mayor
Kenneth Romney

**City Engineer/ Zoning
Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

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Dee Vest, Alt.

NOTICE OF PUBLIC HEARING

A public hearing will be held electronically via Zoom on Tuesday, January 12, 2021 beginning at 7:30 p.m. by the West Bountiful Planning Commission

The purpose of the hearing is to receive public comment regarding a proposal to eliminate the Historical Overlay District, WBMC Section 17.24.110. This proposal does not eliminate the Historic District in the City but removes the strict design and building regulations for homes within the District.

A description of the proposal is available for review at www.WBCity.org under the Public Notice tab.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83245492865>

Meeting ID: **832 4549 2865**

One tap mobile

+16699006833,,83245492865# US (San Jose)

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Find your local number: <https://us02web.zoom.us/j/klfyKuxPw>

MEMORANDUM



TO: Planning Commission

DATE: January 8, 2021

FROM: Staff

RE: Historic District and Updates to Historical Overlay District - WBMC 17.24.110

The planning commission has been researching and discussing issues related to the Historical Overlay District for several months. At its last meeting, commissioners supported proposed changes to WBMC 17.24.110 - Historical Overlay District, relevant changes to the General Plan that complement these changes, and a new Historic District.

In preparation for a public hearing on January 12, staff was asked to bring clean copies of its proposal for a final review. As separate public hearings for the code change and the general plan are required, a second hearing addressing proposed changes to the General Plan will be set at a future meeting.

A copy of the Community letter sent to all property owners in the current Historical Overlay District is attached.

WEST BOUNTIFUL MUNICIPAL CODE

17.24.110 Historic District – REDLINE (as discussed 11/24/2020)

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to preserve, protect and enhance historic areas and sites within the city. These historic areas, included in the R-1-10 district, are designated as the West Bountiful Historic District. (*See the ~~West Bountiful zoning map~~ for details below.*)

~~Properties designated to the historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.~~

~~In the event of rehabilitation of the property, local building officials may consider waiving certain code requirements in accordance with the current building code, which deals with historic buildings.~~

~~If Before a historic site structure within the West Bountiful Historic District is to may be demolished or extensively altered, the physical appearance of the structure prior to demolition or alteration must be documented, and pictures provided to the city recorder before that action takes place.~~

17.24.110 Historic District – CLEAN (as proposed 1/12/2021)

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to preserve, protect and enhance historic areas and sites within the city. These historic areas, included in the R-1-10 district, are designated as the West Bountiful Historic District. (*See the map below.*)

~~Before a structure within the West Bountiful Historic District may be demolished or extensively altered, the physical appearance of the structure prior to demolition or alteration must be documented and pictures provided to the city recorder.~~

OR add above language to the Purpose section of the R-1-10 District and eliminate the Historic District section completely

17.24.010 Purpose

The R-1-10 residential district is established to provide for low density single-family residential neighborhoods of spacious and uncrowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi- public activities that will serve the needs of families. These regulations are intended to preserve and enhance residential character and lifestyle.

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to preserve, protect and enhance historic areas and sites within the city. These historic areas, included in the R-1-10 district, are designated as the West Bountiful Historic District. (*See the map below.*)

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

550 North 800 West
West Bountiful, Utah 84087

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

Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

December 30, 2020

PROPOSAL TO ELIMINATE THE HISTORICAL OVERLAY DISTRICT AND ESTABLISH BOUNDARIES OF A WEST BOUNTIFUL HISTORIC DISTRICT

Dear Historic District Property Owner:

The West Bountiful Planning Commission is considering a proposal to eliminate a section of its Municipal Code which provides strict design and building regulations for homes located in the Historical Overlay District. Before making a final recommendation on this matter, a public hearing will be held to ensure that property owners understand the effects of the change, and to hear comments from those impacted by the change.

Enclosed with this letter is a copy of the city code outlining the historical overlay district and a current map of the district. The proposal is to eliminate all but the first paragraph of the existing code. The historical overlay district is a unique land use zone that exclusively governs architectural design. As you may have experienced, it establishes a board that reviews all building permits "to ensure the preservation of historic properties to the greatest degree possible." If the proposal is adopted, the city will no longer oversee any architectural standards beyond the basic land use laws within the underlying R-1-10 residential zone.

This change establishes a new boundary for the Historic District and will not impact those properties currently on the National Historic Register.

You are invited to address the planning commission at a public hearing scheduled for January 12, 2021 at 7:30 pm. The meeting will be held on-line over Zoom. You can join the meeting by using the Zoom app or visiting <https://zoom.us/>. The Meeting ID is 832 4549 2865. A direct link is also provided on the city website calendar (www.WBCity.org). Please contact us with any questions on how to participate.

If you are unable to participate in the hearing, you may submit written comments to Recorder@wbcity.org and the comments will be presented at the hearing. You can also use this email address to contact us with any questions about this issue, or you can call me at 801-292-4486.

Sincerely,

Cathy Brightwell
City Recorder

WEST BOUNTIFUL MUNICIPAL CODE

17.24.110 Historical Overlay District

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to preserve, protect and enhance historic areas and sites within the city. These historic areas, included in the R-1-10 district, are designated as the West Bountiful Historical Overlay District. (See the map below.)

DELETE EVERYTHING BELOW

No dwelling or other building shall be erected or extensively altered on any lot in the historical district without the review and favorable recommendation of the construction plans by the architectural review board, as provided below. An architectural review board consisting of a member of the city planning department, licensed architect who has experience with Utah historical design, and the chairman of the Historic Preservation Commission will be responsible for reviewing historical design. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit. The applicant will pay a historic architectural review fee, as set periodically by resolution of the City Council.

Unless expressly stated to the contrary in this chapter, all provisions of the West Bountiful City Building Code and Ordinances shall apply in addition to the provisions of the Historic Preservation Commission Ordinance (Chapter 2.44) and this section. In the case of any direct conflict between this section and other provisions of the West Bountiful City Code or Ordinances, the more restrictive provision shall apply.

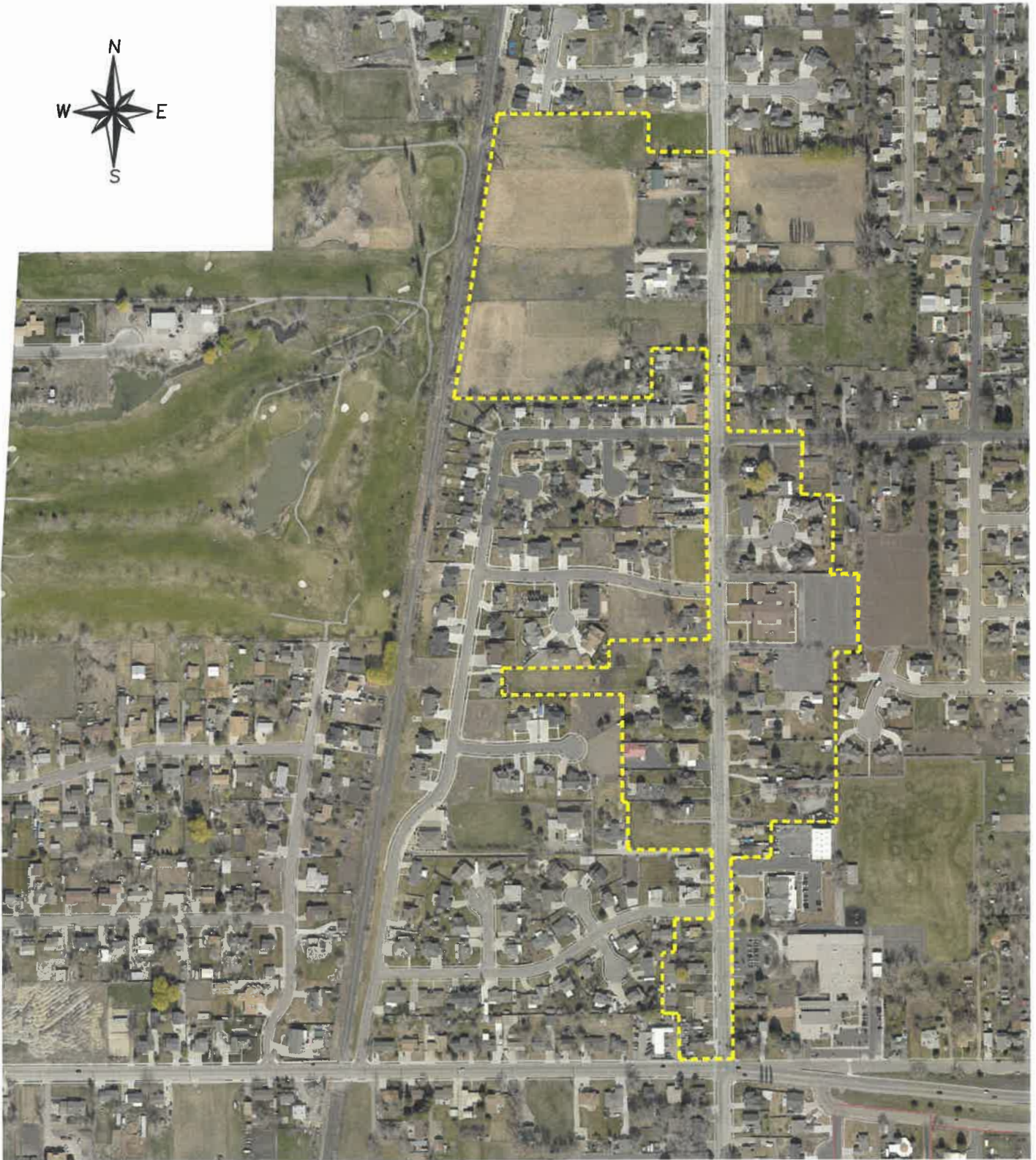
For new construction within the historical district, the following process will be used.

1. The owner or developer will submit an application for a Certificate of Historic Appropriateness and design plans to the zoning administrator. All construction plans and specifications shall include a list of the proposed construction materials which will be in harmony with the requirements of this ordinance as well as the exterior design of the existing structures in the historical district.
2. Design Standards - To ensure historic appropriateness for new construction within the historical district, projects shall be compatible in design, character, size, and proportion to existing historic buildings in the district. New construction shall enhance the historic qualities and unique feeling of the historic areas of the city and shall not erode the character of the neighborhood and shall conform to the following standards:
 - a) Building Design. The West Bountiful historical district evolved over an approximate 100-year span and includes houses of many sizes and architectural styles. Lot sizes and setbacks are not consistent. These variations are part of the unique appeal of the area and should be respected and preserved as much as possible. New development in the historical district shall emulate this pattern by incorporating various size lots, various size houses, and various architectural designs appropriate to time period and area. There are fine architectural examples of Victorian, Prairie style, Craftsman, Bungalow, English, Temple/Greek Revival, and cottage styles in the historical district all of which are appropriate architectural styles for new construction. In addition, many other architectural home designs built in Utah between 1848 and 1940 may be appropriate, as determined by the architectural review board.
 - b) Size. The size of the home shall correspond with the size of the lot. The house and all accessory buildings shall not cover more than 40% of the lot.
 - c) Height. One-story, one and one-half story (upper floor incorporated into the roof line), and two story homes (with an attic above the 2nd story) are appropriate. However, the height cannot be more than 35 feet above the curb level.

- d) Exterior Facades. Brick is the predominant building material in the historical district. Therefore, the majority of houses should be brick with a fewer number of stone and clapboard homes. Appropriate materials for the outside walls of homes, garages, carriage houses and other outbuildings are brick, stone/cultured stone or wood/fiber-cement board (such as James Hardee). Contrasting materials may be used for pillars, lintels, quoins, keystones, trims, etc. but must receive positive recommendation by the architectural review board. Brick wainscot, vinyl siding, aluminum siding, and stucco panels will not be allowed. Walls, roof shapes, windows, doors, porches, and ornamental detail shall be historically correct for the home's architectural style and period of history.
 - e) Windows. Windows shall be appropriate in style and size for the home's period of architecture and must be uniform throughout the house. Windows must be recessed at least one inch from the outside of the exterior trim.
 - f) Colors - shall be historically appropriate to the home's architectural style and period of history.
 - g) Garages and other outbuildings. All houses shall be constructed with a garage for not less than two (2) vehicles and not more than three (3) vehicles. Garages must be the same architectural style and color as the home and may be (1) detached and located toward the back of the lot, (2) attached and flush to the house or extend up to five feet in front of the house if the garage is built to appear as part of the house and has a side or back opening, or (3) attached with a front opening if the front of the garage is set back at least five feet from the front of the house. The garage and other outbuildings shall be subordinate to the house and shall conform to the architectural style of the home.
 - h) Fences. No privacy fences are allowed from the front of the home to the street. However, low fences in wood/wood composite, ornamental iron, brick, rock, natural hedges, shrubs or any combination of the above may be used in the front yard as part of the landscaping. All fences shall comply with Section 17.24.100 of the West Bountiful Municipal Code, be appropriate to the style of the home and must receive positive recommendation by the architectural review board.
 - i) Driveways, sidewalks, steps, lighting, and landscaping shall be historically appropriate to the home's architectural style and period of history.
- 3. The architectural review board shall have 30 days to review the plans. Upon completion of the review, the board will either; (a) recommend the plans and specifications as submitted, or (b) notify the party making such request of any objections (such objections to be specifically stated). If objections are noted, the requesting party may resubmit a request for recommendation rectifying any such objections to the city. The architectural review board shall then have an additional 10 days after receipt of said revisions for review. The recommendation or denial of submitted plans shall be in writing and returned to the party making a submission, together with a notation of recommendation or denial and the date affixed to one copy of such plans and specification.
 - 4. Upon approval of a Certificate of Historic Appropriateness by the architectural review board the owner or developer may obtain a building permit from the City. Building inspections and/or occupancy approvals will be withheld if the structure is not in compliance with the historical design approved by the architectural review board. For homes in the historical district, a bond will be required to assure compliance with approved architectural design. The amount of the bond will be set periodically by the City Council.
 - 5. An applicant who has been denied any permit based on the architectural review board's refusal to issue a Certificate of Historic Appropriateness may appeal denial to the planning commission, acting as the appeal authority, in accordance with the procedures provided in Chapter 17.08.
 - 6. Enforcement. The provisions of this section are subject to the enforcement provisions established in the current building code adopted by West Bountiful City, the West Bountiful Municipal Code, and other applicable laws.

WEST BOUNTIFUL HISTORIC DISTRICT MAP

(Current)

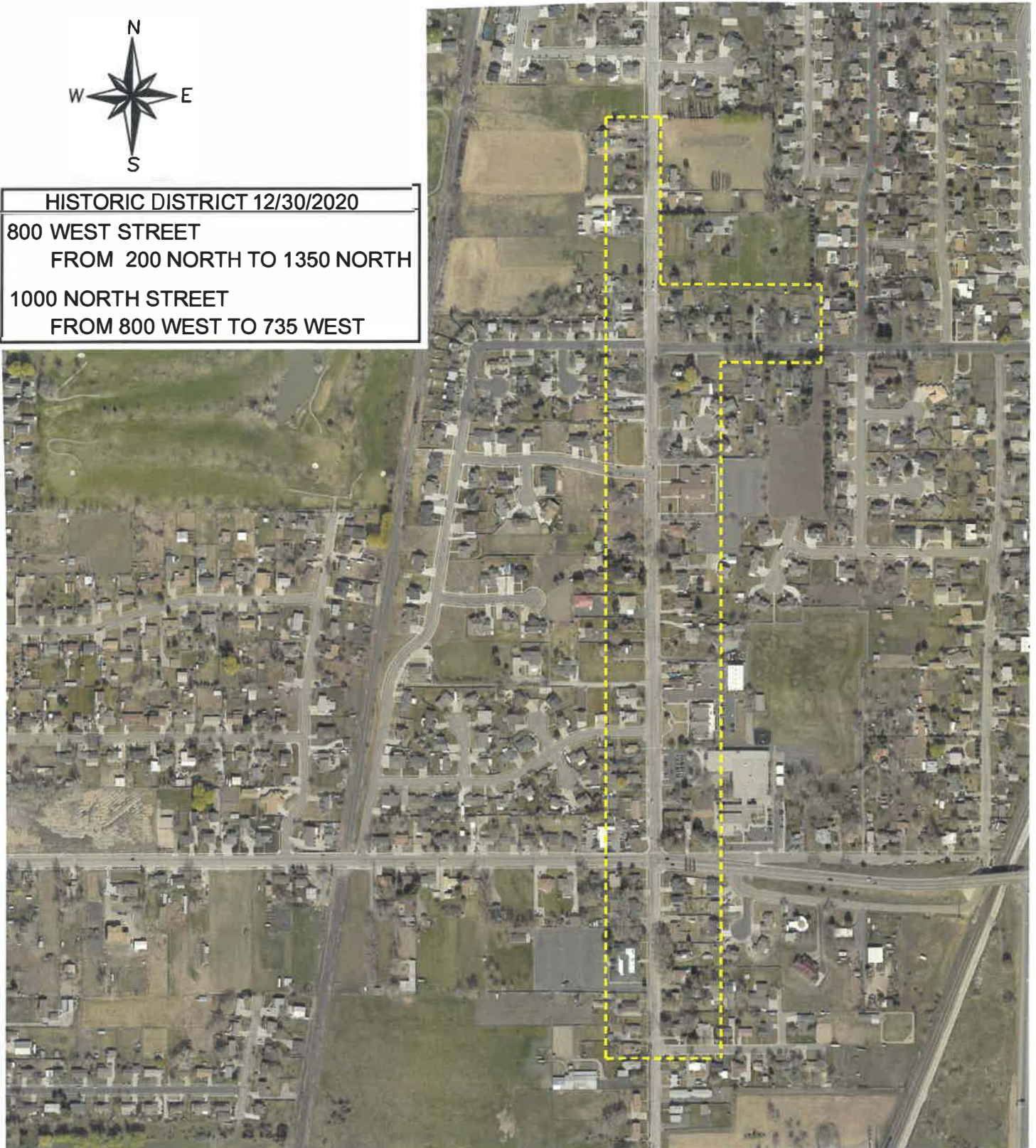


11/03/2020

WEST BOUNTIFUL HISTORIC DISTRICT



HISTORIC DISTRICT 12/30/2020
800 WEST STREET
FROM 200 NORTH TO 1350 NORTH
1000 NORTH STREET
FROM 800 WEST TO 735 WEST



MEMORANDUM



TO: Planning Commission

DATE: January 8, 2021

FROM: Staff

RE: Updates to West Bountiful General Plan Related to Historic Areas

The planning commission has been researching and discussing issues related to the Historical Overlay District and Historic Areas within the City for several months. As part of these discussions, commissioners supported proposed elimination of WBMC 17.24.110 - Historical Overlay District, which requires updates to the General Plan to be consistent.

Specific changes were discussed at the last meeting and staff was asked to bring a clean copy of its proposal for a final review. As separate public hearings for the code change and the general plan are required, staff is asking to set a public hearing for the changes proposed to the General Plan.

WEST BOUNTIFUL GENERAL PLAN 2019

I. INTRODUCTION

Removed Historic Preservation Section that generally discussed State and city authority.

II. LAND USE

GOAL 5: Promote and protect West Bountiful City's heritage and historic areas.

OBJECTIVE 1: Protect and enhance West Bountiful's historic district as the heart and focal point of the City.

POLICY 1: Maintain the nationally recognized West Bountiful Historic District and additional historic properties near the heart of the City through streetscapes and other features that recognize the historical significance of the area.

POLICY 2: Erect historic or vintage street signs with the original street names and numbering system along Onion Street, Howard Street, etc.

POLICY 3: Coordinate planning efforts within the historic district to ensure that all new construction and streetscape projects enhance rather than compromise the integrity of the historic district.

POLICY 4: (new?) A priority should be placed on ensuring that increased density development, other than as allowed in the R-1-10 zoning district, does not occur on property within the historic district

2.4 Future Land Use Plan

Historic District and Legacy Overlay Zone

The West Bountiful Future Land Use Plan includes the West Bountiful Historic District and a Legacy Overlay Zone. (*removed reference to Historical Overlay Zone*)

Historic District (*removed reference to Historical Overlay Zone and added clarifications*)

West Bountiful contains some extraordinary examples of historic Utah architecture. Enough historic homes exist along the 800 West corridor that the area was officially designated in 2004 by the National Register of Historic Places as the West Bountiful Historic District. West Bountiful residents are very proud of the City's history and have a desire to preserve and celebrate this heritage through land use planning and urban design.

With the City Hall and an elementary school located within this same corridor, the historic district functions as the heart of the West Bountiful community. Because this historic district represents so much of the West Bountiful community heritage and serves an important role as the civic heart of the City, special consideration should be given to streetscape and urban design enhancements throughout this corridor.

To protect the integrity of West Bountiful's historic city center, West Bountiful has designated a historic district, shown on the Land Use Map (**FIGURE 2.2**).

For purposes of this General Plan, the term "historic district" is used generically to describe ~~all~~ properties located within the official West Bountiful Historic District or added by designation in the National Register of Historic Places.

The historic district is intended to ensure that all new infrastructure is carefully evaluated to ensure that it will preserve the historic character and integrity of the area, and that historic structures are carefully documented ~~before any modification or demolition~~.

The City should consider a unique street cross section for the historic district, to enhance pedestrian safety and beautify the street. Urban design elements to consider include decorative street and pedestrian lighting (perhaps embellished with hanging plant baskets or flags), park benches along sidewalks or parkstrips, consistent street tree plantings, historic street signage, and upgraded sidewalk or crosswalk paving materials.

MEMORANDUM



TO: Planning Commission
DATE: January 8, 2021
FROM: Staff
RE: Proposed Updates to Accessory Dwelling Unit Regulations

Background

As part of Senate Bill 34, West Bountiful was required 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."

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."

John Janson and Jake Young, professional planners, were hired by the City to assist with land use issues, including working on the city's stated goals. They presented information to the planning commission in November and generally discussed draft changes to the city's land use code regarding accessory dwelling units (ADUs).

Discussion

A copy of the ADU ordinance (WBMC 17.82) is attached for discussion purposes. It includes comments from Mr. Janson, Mr. Young and Steve Doxey. In the draft comments, P stands for policy, SC for State Code, and E for editing.

Staff is looking for direction on how best to proceed which includes more detailed discussion of the following topics.

1. Conditional Uses should be used sparingly. Elimination of the conditional use requirement for ADUs may be appropriate as the necessary criteria is already included in code. This is consistent with previous changes made by the city in other areas.
2. Recorded Agreement. Current regulations require homeowner to sign an agreement saying they will live in the home.
3. Detached ADU's are not allowed in West Bountiful. Is there interest in adding them?
4. Building Code Requirements for ADUs. Should they be added to Code or referenced?
5. Should there be a provision allowing temporary conditions where a homeowner is not onsite?
6. Should 'landlords' be required to obtain business licenses as a way to track and enforce ADUs?
7. How to deal with illegal ADUs. What are appropriate administrative remedies?

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

1. To accommodate such housing in single family residential neighborhoods, as long as it produces only minimal impacts on the neighborhood in terms of traffic, noise, parking, and congestion, compatible scale and **maintains the** appearance of residential buildings.
2. ~~To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single family residential neighborhoods.~~ **To provide an alternative housing option.**
3. To establish uniform standards for ADUs.

~~ADUs are intended to be an exception to the requirement of only single family dwellings in agricultural and residential zoning districts as long as the requirements of this chapter and other provisions of this title are met.~~

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.020 Definition

An accessory dwelling unit, or ADU, is defined as a separate dwelling unit, within or attached to a single family dwelling, that complies with the provisions of this chapter.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.040 Conditional Permitted Use

Any ADU shall conform to the development standards of Section 17.82.050, shall **be processed as a permitted use by the City staff**, and shall be subject to an ADU agreement, on a form provided by the City, recorded with the County Recorder. The recorded ADU agreement shall run with the land.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.82.050 Development Standards

The development standards set forth in this section shall apply to **all ADUs**.

1. Location. An ADU shall be allowed only within or attached to an owner-occupied single family dwelling. **The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under Section 17.82.050.8.**
2. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
3. Parking. Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful

Commented [SD1]: Agreed.

Commented [JJ2]: P - I'd suggest that the statement includes a lot of slightly discriminatory statements and is somewhat contrary to the State goals to promote affordable housing...

Commented [SD3]: Agreed.

Commented [JJ4]: P - really not true - SC suggests that they are not exceptions. They are a use that is allowed if they meet your standards.

Commented [JJ5]: P - With so many standards there may be an argument for making them a permitted use. Big change but worth considering. Also, I'd suggest you record an affidavit/agreement that the owner signs saying that they will live in the home with the County - not just the permit

Municipal Code. A minimum total of four (4) off-street parking spaces shall be provided for the primary dwelling and ADU. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; provided that gravel parking stalls or driveways ~~may be~~ are allowed if the structure to be used as an ADU was in existence at the time of adoption of this ordinance, the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance, and the surface is sufficient to allow for access by public safety vehicles.

4. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
5. Size of Accessory Dwelling Unit. An ADU shall contain a minimum of 300 square feet; provided that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City.
6. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed. This shall include the obtaining of a building permit or other permits as the codes may require.
7. Architecture. An ADU that is added onto an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
8. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as their principal residence. At no time shall both the ADU and the primary dwelling be rented as separate units. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, except for business, medical, military service, or religious reasons for a time period not exceeding two years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of absence.

9. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.

10. Business License. An annual business license is required for those ADU owners that derive an income from the ADU exceeding _____ per month. The annual business license renewal shall include a recertification that the owner is living in the primary dwelling or ADU.

11. Penalties. Fines may be imposed to assure compliance with this ordinance.

Commented [SD6]: Consider whether this last sentence is necessary. If the structure was used as an ADU before the ordinance was adopted, it could have legal non-conforming status with no restriction on the materials used for the driveway or parking stalls.

Commented [SD7]: Should we set a minimum income amount? Some landlords have business licenses; others do not. The city should decide whether all ADU owners who derive income from the ADU must have a business license.

Commented [SD8]: The city should consider what administrative remedies it wants to impose for this, and whether the fine becomes a lien against the property (which can be acknowledged in the recorded agreement). Otherwise, the general penalty for violation of the Municipal Code is a Class B misdemeanor, or fine of up to \$1,000 or imprisonment for up to six months. I would prefer not to say that fines may be imposed without specifying the fines and mechanism for imposing them. The fine amount could be periodically reviewed and changed by resolution of the city council.

1 **West Bountiful City**
2 **Planning Commission Meeting**

November 24, 2020

3 **PENDING – NOT APPROVED**

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
5 website and on the West Bountiful City website on November 20, 2020 per state statutory
6 requirement.

7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,
8 November 24, 2020 at West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

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

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

14
15 **MEMBERS EXCUSED:** Corey Sweat

16 **STAFF ATTENDING:** Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) in house, and
17 Debbie McKean (Secretary) via Zoom.

18 **VISITORS: Via Zoom:** Rodney Sparkman, Camille Sparkman, Doug Coons, Amy Paget, (several
19 others not identified on zoom).

20
21 The Planning Commission meeting was called to order at 7:39 pm by Chairman Hopkinson.
22 Dee Vest offered a thought.

23 **Chairman Denis Hopkinson read the following message:** *The Mayor and the Planning*
24 *Commission Chair have determined that due to the current COVID-19 pandemic and the*
25 *physical distancing required to prevent the spread of infection, public meetings present a*
26 *substantial risk to the health and safety of those who may be present at the meetings. That risk*
27 *can be substantially mitigated by holding this meeting through electronic means that allow for*
28 *public participation without an anchor location.*
29

30 **1. Accept Agenda**

31 Chairman Hopkinson reviewed the proposed agenda. Mike Cottle moved to approve the agenda
32 as presented. Dee Vest seconded the motion. Voting was unanimous in favor among all
33 members present.

34
35 **2. Consider Final Plat for Beverly Estates Subdivision for Husky Homes, LLC**
36

37 Commissioner packets included a memorandum dated November 20, 2020 from Kris Nilsen
38 regarding Beverly Estates subdivision preliminary/final plat with attached site plan.

The memorandum included the following information:

Husky Real Estate, LLC has applied for a three-lot subdivision at 1014 W Pages Lane. The property is within the R-1-10 zone. This land was part of a larger property previously owned by Terry Olsen. On November 3, 2020, the city council split the larger property into two parcels based on a divorce decree and quiet title order. Beverly Estates subdivision is proposed for the southern parcel.

Points of Interest: Note: The items in bold text need to be addressed.

1. The 3 lots meet the required R-1-10 zoning requirements for size and frontage.
2. Add written description for the dedication of ROW and PUE in the owner's dedication area of plat.
3. Existing residence/structures, homes, sheds, etc., exist on the site. Indicate if structures are to be removed or remain.
4. **Grading and Drainage Issue:** Indicate direction and slope of surface runoff. Indicate the path that surface drainage runoff will exit the development site and be collected by the public storm water collection system in the event of a large storm. Natural grade of the property drains to the northwesterly to an existing city-maintained storm drain approximately 95 feet north on the development north boundary. Options for surface drainage area. Acquire an easement to maintain an open path for surface drainage to flow in this direction. b. Raise the lot finished grades to drain to the public street. c. Install back lot drain that connects to Olsen way storm drain (if elevations permit).
5. **FEMA Flood Plain:** Site location is in FEMA flood plan zone AE and Zone X indicate flood plain areas on site drawings.
6. Recommend Final approval of the project, a detailed list of design review comments has been sent to the Husky Real Estate to be addressed for a final review before going to City Council for final approval. Where this is a small lot subdivision, if the planning commission approves it tonight, it will go directly to city council for final approval.

Kris Nilsen introduced the agenda item reviewing the items above. He noted his concern about the drainage and easement issues described in item 4 above.

Commissioner Comments:

Alan Malan referred to a subdivision checklist used in the past and requested it be presented for future subdivisions. He inquired about secondary water for Lot #1. Kris Nilsen will research.

Laura Charchenko asked if the family is aware of the FEMA Flood Plain that the property is located on. The city has made them aware of this issue.

All other Commissioners were satisfied as it was presented.

Action Taken:

Alan Malan moved to approve the preliminary and final plat for the Beverly Estates small subdivision for Husky Homes, LLC with the following conditions: 1) Add written description for the dedication of ROW and PUE in the owner's dedication area of plat as described above and indicate if existing structures are to be removed or remain; 2) Grading and Drainage Issue: Indicate direction and slope of surface runoff, indicate the path that surface drainage runoff will exit the development site and be collected by the public storm water collection system in the event of a large storm. Select one of the proposed options for surface drainage area. 3) FEMA Flood Plain: Site location is in FEMA flood plan zone AE and Zone X, indicate flood plain areas on site drawings. 4) Define secondary water for Lot #1. Mike Cottle seconded, and voting was unanimous in favor.

3. Discuss Preliminary Plat for Doug Coon's Corner subdivision (Phase 1) at 1000 North/550 West

Commissioner packets included a memorandum dated November 20, 2020 from Kris Nilsen regarding Preliminary Plat for Doug Coon's Corner at 1000 North 550 West with attached preliminary plat.

The memorandum included the following information:

Doug Coons applied for a 3-lot subdivision on the northwest corner of 550 West and 1000 North. The property is within the R-1-10 zone and consists of 30,099 square feet (0.69 acres).

Points of Interest:

1. The 3 lots are somewhat uncommon in shape, but they appear to meet the required R-1-10 zoning requirements for size and frontage. Frontage is measured as 85 feet at the front setback of 30 feet and required size is 10,000 square foot minimum.
2. The 30-foot rear yard setback needs to be indicated on the site plan at the west property line. Verify buildable area is of size/space needed for intended new home/garage.
3. Existing buildings on this project must be demolished and removed prior to issuing any building permits.
4. Streetlights. There is a streetlight on the southeast corner of 550 W and 1000 N.
5. Staff is recommending curb, gutter and sidewalk be required along the frontage of the project as shown on the plans.
6. Project will require the installation of a storm drain inlet box and lateral connecting to the existing storm drain in 1000 North Street.

- 112 7. Recommend preliminary approval of the project. A detailed list of design review
113 comments has been sent to Mr. Coons to be addressed for a final review before going
114 back to Planning Commission for final approval.
115

116 Note: WBMC Title 16 defines preliminary plat as a step in the process that shows the design of
117 a proposed subdivision and the existing conditions in and around the subdivision. The plat is
118 graphically accurate to a reasonable tolerance but need not be based upon a detailed final
119 survey of the property. Approval of the preliminary plat by the planning commission does not
120 constitute final acceptance but authorizes the subdivider to proceed with the preparations of
121 plans and specifications and with the preparation of the final plat.
122

123 Kris Nilsen noted that this is only the preliminary review and Mr. Coons will return for the final
124 plat approval after addressing requested issues. He noted that the plans need to show the
125 connection to the drain system in their plans. The lateral will need to cut across the road and
126 hook onto the city's system.
127

128 **Commissioner Comments:**
129

130 There was discussion about mailbox options and whether an additional streetlight is necessary.
131

132 **Alan Malan** inquired about the secondary water that is not shown on the preliminary plans.
133 Kris responded that written proof is required and will show up with the final plans.
134

135 **Chairman Hopkinson** would like to make sure the side lot clearances are adhered to according
136 to the footprint of each home. Mr. Nilsen assured him they would keep track of setbacks.
137

138 **Councilmember Enquist** inquired where the drive approaches would be on the corner lot (Lot
139 #3). Some discussion took place regarding possible locations to ensure required site triangle
140 would be met. There is currently limited visibility on the corner but once the shrubs and trees
141 are removed and curb, gutter and sidewalk with a park strip are added, visibility will increase
142 greatly.
143

144 **Action Taken:**

145 ***Alan Malan moved to approve the preliminary plat for Doug Coon's Corner at 1000 North/550***
146 ***West with the findings and conditions listed above, including construction of curb, gutter and***
147 ***sidewalk along the frontage of the project as shown on the plans, installation of a storm drain***
148 ***inlet box and lateral connecting to the existing storm drain in 1000 North Street, and***
149 ***verification of required setbacks. Laura Charchenko seconded the motion and voting was***
150 ***unanimous in favor.***
151

- 152 4. Discuss Proposed Changes to WBMC 17.24.110 Historical Overlay District, Historic
153 District Map and Associated General Plan Text.
154

Commissioner packets included a memorandum from Staff dated November 20, 2020 regarding the Historical Overlay District, a copy of the new map showing the Historic District and a red line copy of suggested changes for the Commissioners to review before a public hearing is held.

The City Council has asked the planning commission to review the Historic Overlay District (HOD) and make a recommendation on the need to continue, modify or eliminate the associated regulations. 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 the city council removed the Heritage Pointe subdivision from the HOD on November 3, 2020. At its last meeting, the planning commission reviewed proposed changes to WBMC 17.24.110 that eliminated the design and construction standards and left only policy statements and minimal requirements, including pictures of historic homes before they can be demolished or extensively remodeled. There was also discussion about how best to marry the general plan with the revised historic district code language.

Cathy Brightwell reviewed the updated ordinance and map that shows a historic district based on the original 2004 submission to the national register of historic places. The new historic district is not intended to be an overlay zone but a general designated area that includes most of the historic homes in the city. She added that in addition to the homes on 800 West from the Hopkinson property to 200 North, the new map also includes homes on 1000 N from 800 West to the Wendel Wild property. Signs identifying the Historic District are already posted on 1000 N and the corner of 800 West and 400 North. Additional signs may be desired.

A redline copy of the language was reviewed and discussion about whether documentation is necessary prior to demolition as we already have pictures of most homes from the national registry. Cathy noted that the pictures on file are not the highest quality and it would not hurt to have another picture for our records.

Staff was directed by Chairman Hopkinson to prepare a clean copy of the proposed language and map and provide to the Commissioners for their review. A public hearing is necessary to make the proposed changes. Due to notice requirements that include sending letters to everyone in the current Historical Overlay district and the upcoming holidays, it was proposed that the public hearing be scheduled for January 12.

Commissioners stated their appreciation for the research and work staff has done to uncover much of the information presented.

5. Staff Report

Kris Nilsen:

- Rear city hall parking lot has been repaired and paved.
- Pickleball bid has been awarded.

Cathy Brightwell:

- Staff met with John Jansen this morning regarding the ADU changes discussed at the last meeting and he is preparing a redline copy for the Commissioner's review.
- Olive Garden was approved for their business permit and plans to hire 125 employees.
- Jed Christensen was sent a letter about continuing to sell hay without a license and inviting him to come talk to staff regarding his hay business.
- It was discussed and decided that there will be no December 22nd meeting held for Planning Commission.
- There is no elf tree this year because there is not enough staff to manage it, but the city is encouraging residents to support the Bountiful Food Pantry's sub for Santa program instead.

6. Consider Meeting Minutes from November 10, 2020

Action Taken:

Laura Charchenko moved to approve of the minutes of the November 10, 2020 meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

7. Adjourn

Action Taken:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:20 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on January 12, 2021, by unanimous vote of all members present.

Cathy Brightwell – City Recorder