

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, FEBRUARY 23, 2021 VIA ZOOM (see info below)**

1. *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.*
2. Prayer/Thought by Commissioner Sweat.
3. Accept Agenda.
4. Public Hearing on Modifications to the West Bountiful General Plan that relate to the Historical Overlay District and Historic District.
5. Consider Historical Overlay District and Historic District changes to West Bountiful Municipal Code and General Plan.
6. Subdivision Concept Review for Highgate 2, Phase 1.
7. Discuss Height Regulations and Setbacks in Residential Districts.
8. Discuss Permitted and Conditional Uses Allowed in Residential and Commercial Districts.
9. Staff report.
10. Consider Meeting Minutes from February 9, 2021.
11. Adjourn.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/89379438293>

Meeting ID: **893 7943 8293**

Dial by your location

+1 669 900 6833 US (San Jose)

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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's website on February 19, 2021 by Cathy Brightwell, City Recorder.

West Bountiful City**February 23, 2021****Planning Commission Meeting**

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 February 19, 2021 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 23, 2021 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: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) in house, Steve Doxey (Legal) and Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Todd Willey, Gary Jacketta, Jay Gough, Julie Thompson (Davis Journal)

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

1. **Chairman Denis Hopkinson 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.*

2. **Prayer by Commissioner Sweat.**

3. **Accept Agenda**

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

4. **Public Hearing on Modifications to the West Bountiful General Plan that relate to the Historical Overlay District and Historic Plan.**

Chairman Hopkinson explained the reason for the public hearing this evening. Changes are being proposed to eliminate the Historical Overlay District in the municipal code and similar language must also be eliminated and clarified in the general plan.

Action Taken:

Corey Sweat moved to open the public hearing for comments related to the modification of WB General Plan that relate to the Historical Overlay District and Historic Plan at 7:37 pm. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comment:

No public comment was offered.

Action Taken:

Corey Sweat moved to close the public hearing for comments related to the modification of WB General Plan that relate to the Historical Overlay District and Historic Plan at 7:39 pm. Laura Charchenko seconded the motion and voting was unanimous in favor.

5. Consider Historical Overlay District and Historic District changes to West Bountiful Municipal Code and General Plan.

Commissioner packets included a memorandum dated February 19, 2021 from staff regarding the updates to West Bountiful General Plan and Municipal Code related to historic areas. Attached was a redline copy of the changes made to the General Plan and an updated map of the Historic District.

Cathy Brightwell addressed the Commissioners noting that 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, except for a purpose paragraph that talks about West Bountiful's intent to preserve, protect and enhance historic areas and sites within the city.

As part of the removal of the Historical Overlay District described above, updates are required to the General Plan to be consistent. Specific changes were discussed at the January 12, 2021 meeting and staff provided a clean copy of its proposal for a final review.

A public hearing was held on January 12, 2021 to address the changes to the Municipal Code, and a public hearing was held this evening, February 23, 2021, to address similar changes to the General Plan.

Chairman Hopkinson invited the Commissioners to comment. The proposed changes were supported by all of the commissioners.

Action Taken:

Alan Malan moved to forward to the city council a positive recommendation to adopt the modifications to WBMC 17.24.110, the West Bountiful General Plan that relate to the Historical Overlay District and adopt new boundaries for the Historic District on the City zoning map. Mike Cottle seconded the motion and voting was unanimous in favor.

6. Subdivision Concept Review for Highgate 2, Phase 1

Commissioner packets included a memorandum dated February 23, 2021 from Kris Nilsen Regarding Highgate 2, Phase 1 Subdivision – Concept Plan, the Concept Site Plans and the Preliminary Plat Subdivision Application.

Mr. Nilsen explained that Onion Patch Securities, LLC, is proposing a six (6) lot residential development connecting to the west end of the existing Highgate Estates Subdivision. Lot area size ranges from 1-acre to 1.62-acre. The proposed subdivision site is a westerly extension of Wellington Avenue (10 North) along the south of the Mill Creek Canal west of 1450 West Street. The property is within the B-U Zone.

Other points of interest in the proposal include:

1. Underground gas easements and utilities are present on the site and shall be addressed prior to considering a preliminary plat.
2. Overhead easements appear to be off site but near the west side of the site.
3. Secondary Water and Culinary water improvements will require a looped crossing of the A-1 Ditch at the east end of the site.
4. A temporary turn around will be required on the west end dead-end street. The street is planned to extend west in the future and therefore the allowed depth of street from 1450 West Street can be a maximum of 1,000 feet.
5. Consider placing the entire temporary turnaround west of lot 3 frontage, this would reduce impact to lot 3 when the road is extended in the future.
6. Storm water discharge after detention or non-detained direct discharge into Mill Creek Canal needs to be determined before a preliminary plat is considered.
7. A wetland study is in the process and should be prepared prior to considering a preliminary plat.
8. The site is NOT located in the FEMA zone designated as floodplain.

Mr. Gough and Mr. Willey were on the call to provide information and answer questions. They described the project that complies with the 1 acre minimum lot size, pointed out a gas line easement through the property and relationship of Millcreek and the A1 canal. They have begun the process of contacting those necessary to proceed and noted that sewer lines had to be moved to leave room for the gas lines.

Alan Malan inquired about the easements on lots #1 and #5 and cautioned them to make the necessary easement allowance when determining buildable space on the property as there have been recent problems with similar easements in other subdivisions.

Mr. Doxey explained that even though the easements are identified, they should check with Questar to see where they are allowed to place a structure or driveway. He noted that the plans indicate a blanket easement and explained they still need to be registered with Questar to specify where the easements are located and listed on the title. Mr. Gough stated that it is not a blanket easement but a specific easement and will make necessary corrections to the drawings.

Planning commission approved the concept plan and noted the items staff has listed in the memorandum and asked that each of them be addressed before coming back to the commission.

7. Discuss Height Regulations and Setbacks in Residential Districts

Commissioner packets included a memorandum from Staff dated February 19, 2021 regarding the review of height regulations in residential zones with attached diagrams and charts.

Following previous discussions on the subject, the Commission asked staff to prepare recommendations that:

1. Improve or replace the current sliding scale with clear standards.
2. Determine consistent measurement points for uniformly measuring structures. Current code says it is measured from the lowest finished ground level which is not always clear.
 - a. Staff recommended two measurements be made. A – structure height measured from the lowest exposed finished floor to the top of roof; plus, B – site height measured from crown of road to the lowest exposed point of the structure, typically 3-5 ft. Oftentimes, structures are built above curb for the following reasons: i. City code requires the lowest finished floor to be at least 12 inches above curb; ii. Structures must be raised to avoid potential flooding; iii. Structures must be raised to avoid utilities, e.g., sewer service facilities; iv. Structures are raised to gain room for partial basements.
 - b. The commission discussed setting the base measurement as top back of curb or crown of road, if no curb, as it seems to be the most consistent point.
 - c. Changing the way structures are measured (a. above) may result in a loss of 1-5 ft in height for a large number of structures. If this method is adopted, should height limits be adjusted?
3. Minimum setbacks when determining height for accessory structures will be based on the standard setback of 6 ft, and not the reduced setback allowed for fire-rating of 3 ft. There was a desire by some to reduce the setback distance for additional height.

Some discussion took place as to the current height maximum of 40 feet in the A-1 zone. Corey Sweat pointed out we need to be more concerned with setbacks and not the height of the building. Just because a new building has caused concern in the area because it looks out of place, does not mean the height regulations that have been in place for some time should be changed. Increasing the setbacks will fix the problem.

It was discussed and determined to change the scale in the A-1 Zone for Accessory and Non-Commercial structures to start side setbacks at 10 feet rather than 6 feet and go progressively to 15 feet based on additional height.

Alan Malan asked to change the R-1-10 to be consistent with the one (1) foot increments in R-1-22 and A-1 instead of using the 2 feet increments as proposed.

Cathy Brightwell suggested the charts be included in the code to simplify that which is in language form. She asked the Commission what measurements they would like to use as a baseline to determine building height. As discussed in previous meetings, options have been presented that range from a base of top back of curb/crown of road to 3-5 feet above that level based on the lowest exposed foundation point.

Kris Nilsen pointed out scenarios as shown on his diagrams regarding measurement options. Discussion took place and it was determined to leave the existing height maximums in place. Measurements will be calculated from top of curb or crown of road if no curb to the highest point of the roof. Based on lot-specific determinations by the city engineer, additional height can be added as follows: maximum of 2 feet in the R-1-10 zone, 3 feet R-1-22 zone, and 4 feet in the A-1 zone.

Staff will bring back a clean-up copy for the next meeting.

8. Discuss Permitted and Conditional Uses Allowed in Residential and Commercial Districts.

Commissioner packets included a memorandum dated February 19, 2021 from staff regarding Discussion of Proposed Updates to Permitted and Conditional Uses. In previous meetings, the commission generally agreed that many of the conditional uses could be moved into the permitted section.

DISCUSSION:

Cathy Brightwell presented the changes made from the last meeting and noted that she reviewed several other city ordinances to see if there were individual uses or categories of uses we should consider. Staff prepared a draft list of uses for residential and commercial zones that was discussed as follows:

Residential

Childcare is left as a conditional use until the Home Occupation code can be changed. Accessory Dwelling units will be moved to Permitted but only for those that are attached to a primary structure. Equestrian facilities and commercial stables will be left as Conditional in the A-1.

Clarification on public/quasi-public, and restricted lots was requested. Mr. Doxey said it is appropriate to keep public and quasi-public uses as conditional uses. These are churches and recreational facilities, which probably call for some conditions in residential areas but which we are not currently prepared to fully regulate so they can be permitted uses. He added that Restricted lots do not really matter because we do not have any lots in the city that would qualify but they should remain conditional.

Commercial Neighborhood

The majority of conditional uses were moved to the Permitted section. Given the location of our Commercial Neighborhood zone, it was determined that reception centers/meeting halls, restaurants and fast food establishments should be moved to the Prohibited Use section

Commercial General

Many of the conditional uses were moved to Permitted. It was determined that car wash, gas station, and auto body repair should be Prohibited Uses. A new Prohibited Use will be added in each zone for medical or toxic waste disposal facilities, no incinerators. Staff will work on the correct language.

Commercial Highway

Most of the conditional uses were moved to the Permitted section. There was discussion about motor vehicle, marine and RV warehousing and storage currently in the Prohibited section and moving it to Permitted.

Industrial Zones will be done at a later date.

Staff was asked to review the lists, provide information for the other zones, and make suggestions for further discussion.

9. Staff Report

Kris Nilsen:

- Contract was awarded for the 400 North well house and construction will begin in May.
- Porter Lane road construction project was awarded. It will run from 640 W to 800 W and go south on 800 W to connect to the previously improved road.
- Beverly Estates (Olsen) is preparing their final plat for recording.

Cathy Brightwell:

- Notified commissioners that there is a legislative bill that may pass requiring each member of Planning Commission to complete 4 hours a year of training. New Commissioners will have to complete a training before participating. One hour of training can accrue for each 12 regular meetings attended. More details to come.

10. Consider Meeting Minutes from February 9, 2021

Action Taken:

Mike Cottle moved to approve of the minutes of the February 9, 2021 meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

11. Adjourn

Action Taken:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:36 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 March 9, 2021, by unanimous vote of all members present.


Cathy Brightwell – City Recorder

