

**Mayor**  
Kenneth Romney

**City Engineer/ Land  
Use Administrator**  
Kris Nilsen

**City Recorder/  
Community  
Development**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355  
[www.WBCity.org](http://www.WBCity.org)

**Chairman**  
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.

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## **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)

+1 253 215 8782 US (Tacoma)

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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.*

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Kenneth Romney

**City Engineer/ Zoning  
Administrator**  
Kris Nilsen

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Community  
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Mike Cottle  
Alan Malan  
Corey Sweat  
Dee Vest, Alt.

## **NOTICE OF PUBLIC HEARING**

A public hearing will be held electronically via Zoom on Tuesday, February 23, 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 modify sections of the West Bountiful General Plan that relate to Historical Overlay District and Historic District. The proposal is consistent with similar modifications to the West Bountiful Municipal Code that eliminates the Historical Overlay District but confirms the City's policy to preserve and protect its Historic District.

A description of the proposal and Zoom call-in information is available for review at [www.WBCity.org](http://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](mailto:Recorder@WBCity.org)

Cathy Brightwell  
City Recorder

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

Meeting ID: **893 7943 8293**

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

# MEMORANDUM



**TO:** Planning Commission

**DATE:** February 19, 2021

**FROM:** Staff

**RE:** Updates to West Bountiful General Plan & WBMC Related to Historic Areas

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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 was asked to bring a clean copy of its proposal for a final review – see attached.

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

If the Commission is satisfied with the final proposals, a positive recommendation to city council can be made adopting the proposed changes to WBMC 17.24.110 and General Plan, LAND USE Section.

## 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.

## WEST BOUNTIFUL MUNICIPAL CODE

### **17.24.110 Historic District – CLEAN**

*(Removed everything but paragraph below)*

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.)*



# WEST BOUNTIFUL HISTORIC DISTRICT



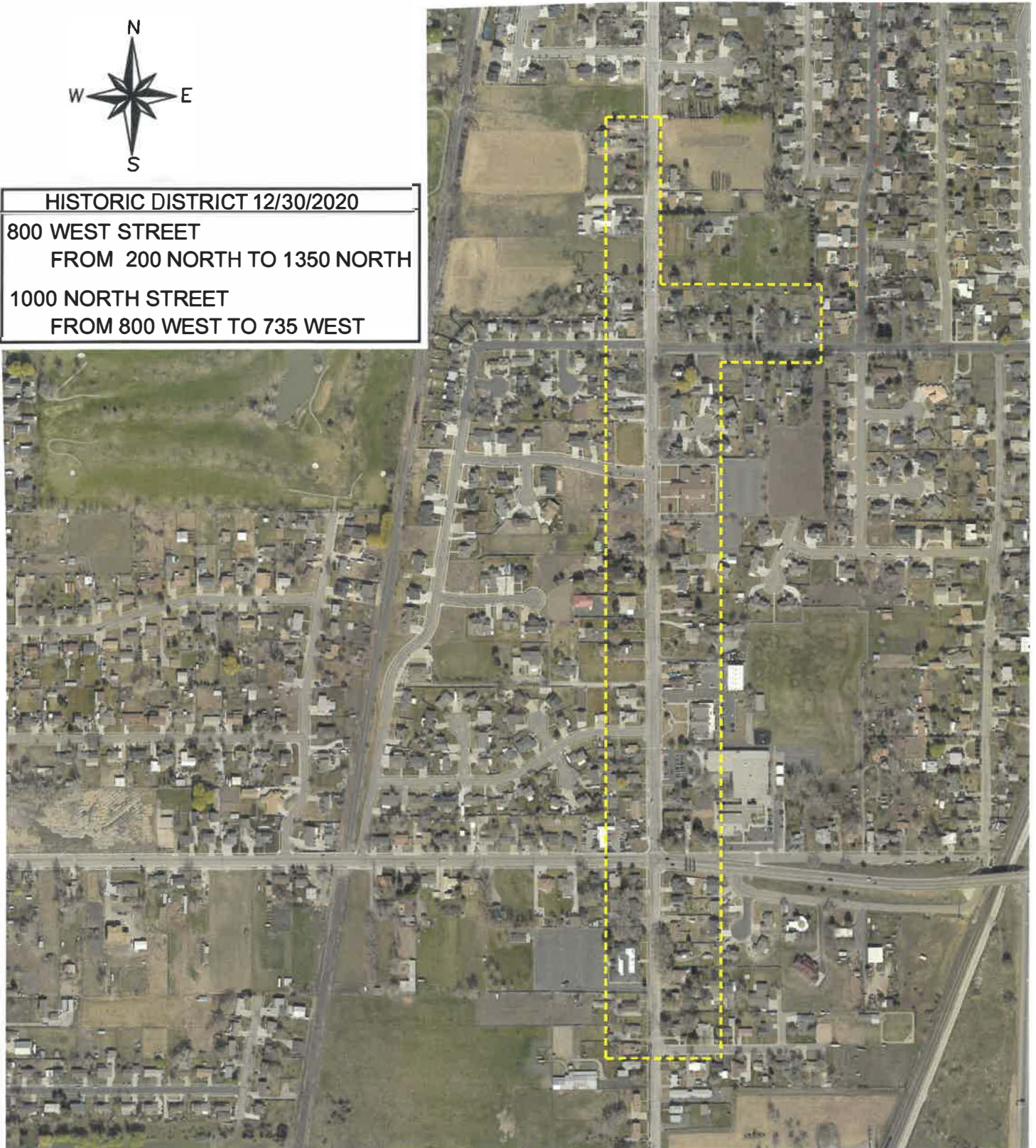
HISTORIC DISTRICT 12/30/2020

800 WEST STREET

FROM 200 NORTH TO 1350 NORTH

1000 NORTH STREET

FROM 800 WEST TO 735 WEST



# MEMORANDUM



**TO:** Planning Commission  
**DATE:** February 23, 2021  
**FROM:** Kris Nilsen  
**RE:** Highgate # 2, Phase 1 Subdivision – Concept Plan

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Onion Patch Securities, LLC, is proposing a six (6) lot residential development connecting to the west end of 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. The concept plan includes six lots that appear to meet the minimum size and frontage requirement for the 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.

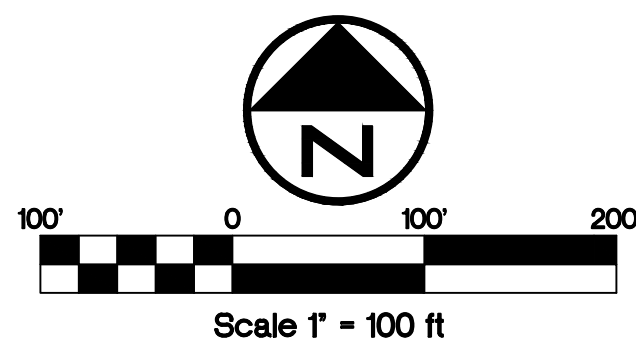
A concept plan review does not require a motion from the Planning Commission. It is merely an opportunity for the developer and the city to enter a dialog regarding the proposal prior to a preliminary plat submission.



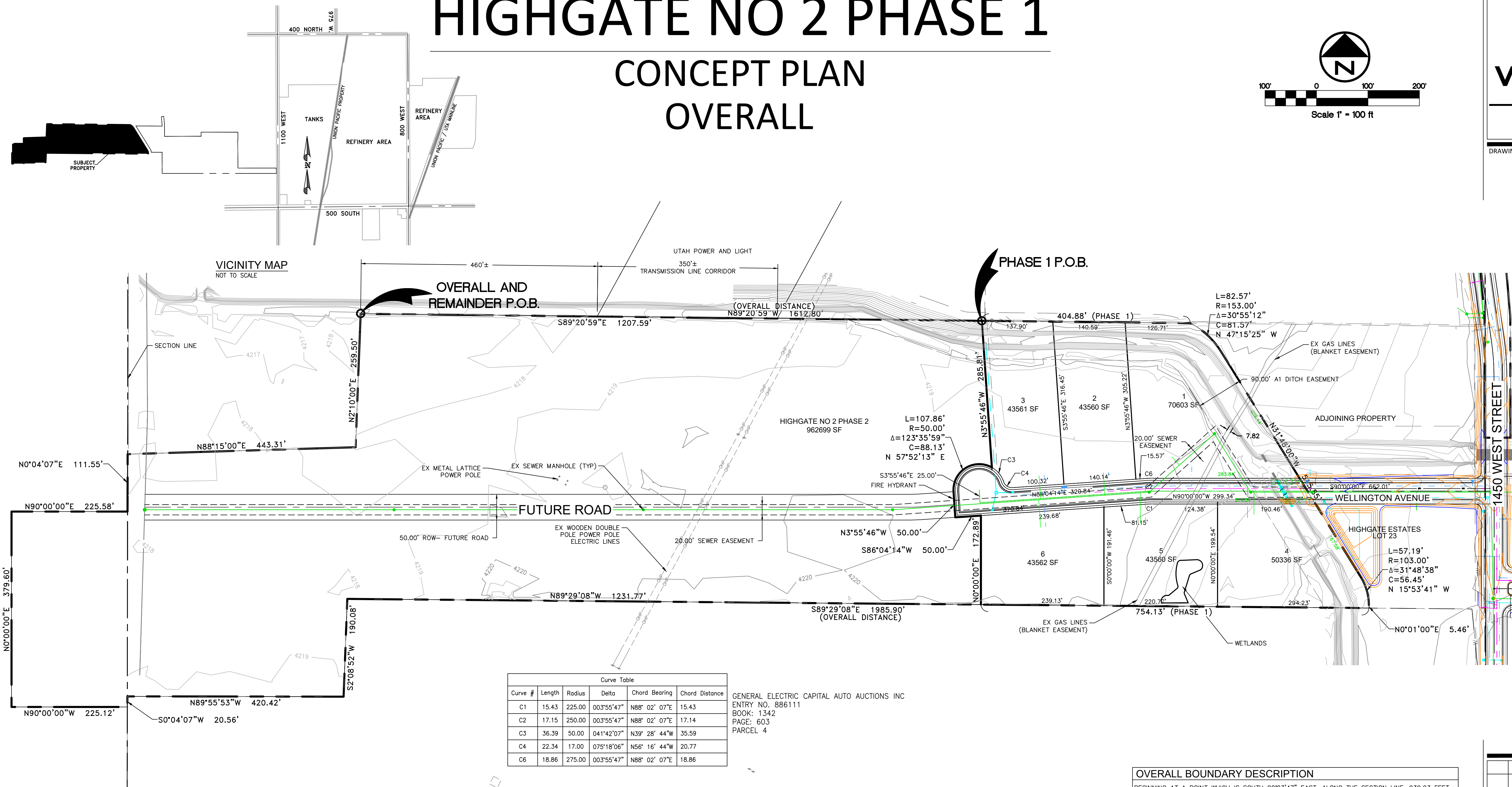
# HIGHGATE NO 2 PHASE 1

## CONCEPT PLAN

### OVERALL



DRAWING NOTES:



| Curve Table |        |        |           |               |                |
|-------------|--------|--------|-----------|---------------|----------------|
| Curve #     | Length | Radius | Delta     | Chord Bearing | Chord Distance |
| C1          | 15.43  | 225.00 | 00°35'47" | N88° 02' 07"E | 15.43          |
| C2          | 17.15  | 250.00 | 00°35'47" | N88° 02' 07"E | 17.14          |
| C3          | 36.39  | 50.00  | 04°14'07" | N39° 28' 44"W | 35.59          |
| C4          | 22.34  | 17.00  | 07°51'06" | N56° 16' 44"W | 20.77          |
| C6          | 18.86  | 275.00 | 00°35'47" | N88° 02' 07"E | 18.86          |

GENERAL ELECTRIC CAPITAL AUTO AUCTIONS INC  
ENTRY NO. 886111  
BOOK: 1342  
PAGE: 603  
PARCEL 4

PROPERTY OWNERS:  
UNION PATCH SECURITIES LLC  
1343 EAST GRANADA CIRCLE, BOUNTIFUL, UT 84010  
ALICE S. JOHNSON, MANAGER

#### OVERALL BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 00°03'47" EAST, ALONG THE SECTION LINE, 939.93 FEET AND SOUTH 89°56'13" WEST 2185.91 FEET FROM THE CENTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°20'59" EAST 1612.80 FEET; THENCE 82.57 FEET ALONG THE ARC OF A 153.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 47°15'25" EAST 81.57 FEET); THENCE SOUTH 31°48'00" EAST 515.85 FEET; THENCE 57.19 FEET ALONG THE ARC OF A 103.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 15°53'41" EAST 56.45 FEET); THENCE SOUTH 00°01'00" WEST 5.46 FEET; THENCE NORTH 89°29'08" WEST 1985.90 FEET; THENCE SOUTH 02°08'52" WEST 190.08 FEET; THENCE NORTH 89°55'53" WEST 420.42 FEET; THENCE SOUTH 00°04'07" WEST 20.56 FEET; THENCE WEST 225.12 FEET; THENCE NORTH 379.60 FEET; THENCE EAST 225.58 FEET; THENCE NORTH 00°04'07" EAST 111.55 FEET; THENCE NORTH 88°15'00" EAST 443.31 FEET; THENCE NORTH 02°10'00" EAST 259.50 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,296,215 SQUARE FEET OR 29.757 ACRES, MORE OR LESS.

#### PHASE 1 BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 00°03'47" EAST, ALONG THE SECTION LINE, 939.93 FEET AND SOUTH 89°56'13" WEST 2185.91 FEET FROM THE CENTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°20'59" EAST 405.20 FEET; THENCE 82.55 FEET ALONG THE ARC OF A 153.00 FOOT NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 47°15'36" EAST 81.55 FEET); THENCE SOUTH 31°48'00" EAST 515.86 FEET; THENCE 57.19 FEET ALONG THE ARC OF A 103.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS SOUTH 15°53'41" EAST 56.45 FEET); THENCE SOUTH 00°01'00" WEST 5.46 FEET; THENCE NORTH 89°29'08" WEST 754.13 FEET; THENCE NORTH 172.89 FEET; THENCE SOUTH 86°04'14" WEST 50.00 FEET; THENCE NORTH 03°55'46" WEST 50.00 FEET; THENCE 107.86 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 57°52'13" EAST 88.13 FEET); THENCE NORTH 03°55'46" WEST 285.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 333,516 SQUARE FEET OR 7.656 ACRES, MORE OR LESS.

#### REMAINDER DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 00°03'47" EAST, ALONG THE SECTION LINE, 939.93 FEET AND SOUTH 89°56'13" WEST 2185.91 FEET FROM THE CENTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°20'59" EAST 1207.59 FEET; THENCE SOUTH 03°55'46" EAST 285.81 FEET; THENCE 107.86 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 57°52'13" WEST 88.13 FEET); THENCE SOUTH 03°55'46" EAST 50.00 FEET; THENCE NORTH 86°04'14" EAST 50.00 FEET; THENCE SOUTH 172.89 FEET; THENCE NORTH 89°29'08" WEST 1231.77 FEET; THENCE SOUTH 02°08'52" WEST 190.08 FEET; THENCE NORTH 89°55'53" WEST 420.42 FEET; THENCE SOUTH 00°04'07" WEST 20.56 FEET; THENCE WEST 225.12 FEET; THENCE NORTH 379.60 FEET; THENCE EAST 225.58 FEET; THENCE NORTH 00°04'07" EAST 111.55 FEET; THENCE NORTH 88°15'00" EAST 443.31 FEET; THENCE NORTH 02°10'00" EAST 259.50 FEET TO THE POINT OF BEGINNING.

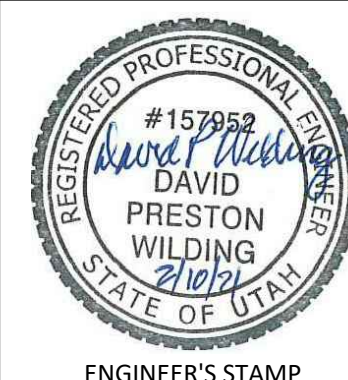
CONTAINS 962,699 SQUARE FEET OR 22.101 ACRES, MORE OR LESS.

| NO. | REVISION                                | DATE      |
|-----|-----------------------------------------|-----------|
| 1   | ADDED BLANKET EASEMENT NOTE TO GAS LINE | 2/11/2021 |

PROJECT INFORMATION  
**HIGHGATE NO 2  
PHASE 1**  
CONCEPT PLAN

WEST BOUNTIFUL CITY, UTAH

|              |                |                    |
|--------------|----------------|--------------------|
| DRAWN<br>DCC | CHECKED<br>DPW | PROJECT #<br>20258 |
|--------------|----------------|--------------------|



DATE  
1/26/2021

SCALE  
1" = 100'

SHEET  
1 OF 2

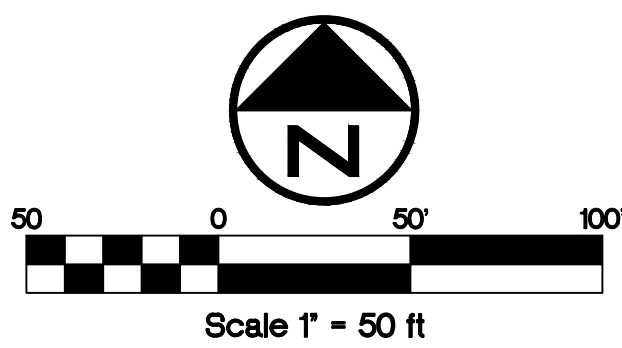
G:\DATA\20258 Highgate No 2 Sub\dwg\20258 Concept 1a.dwg  
PLOT DATE: Feb 11, 2021



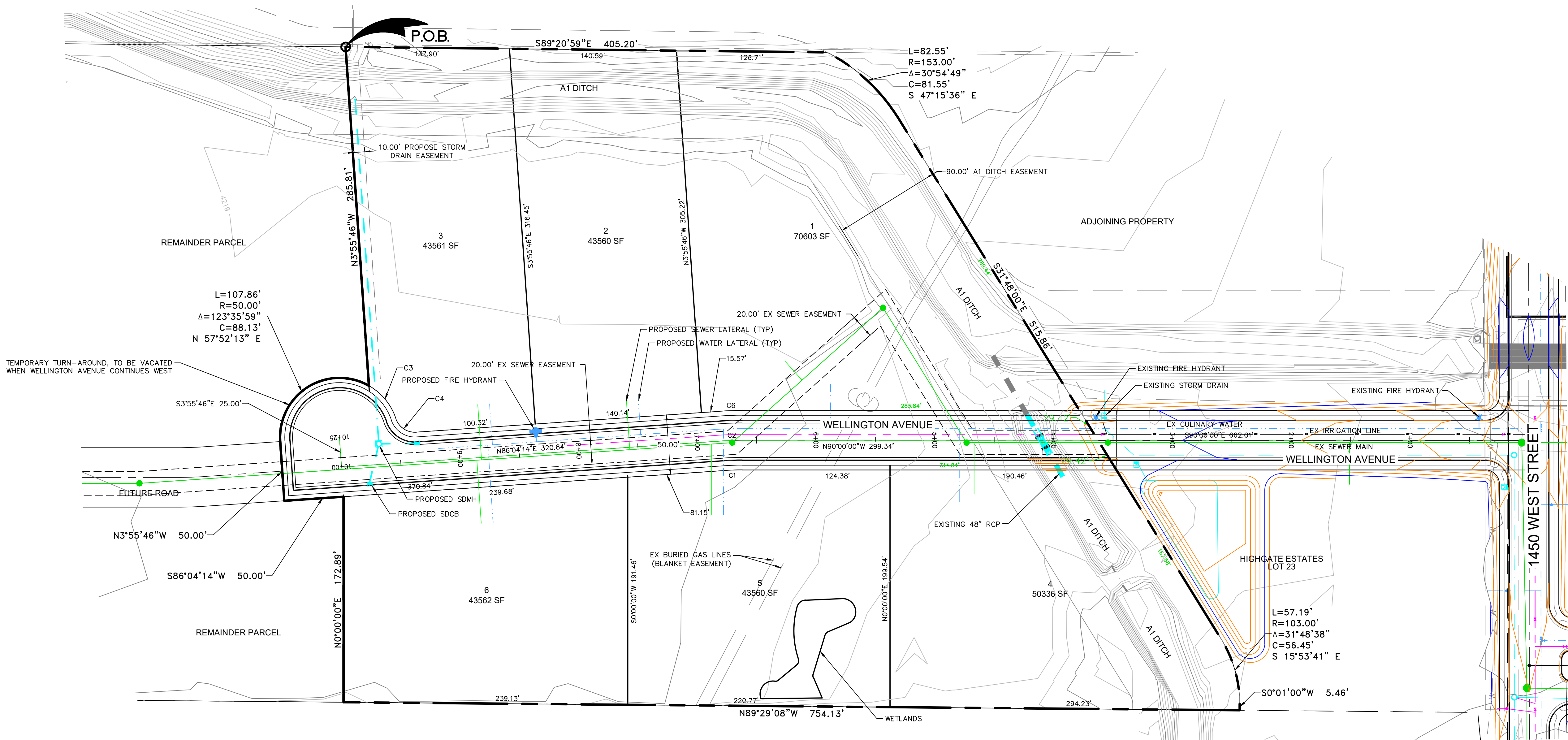
# HIGHGATE NO 2 PHASE 1

## CONCEPT PLAN

### PHASE 1



DRAWING NOTES:  
GENERAL NOTES:  
1. ALL UTILITIES EXIST IN WELLINGTON AVENUE EAST OF THE A-1 DRAIN.  
2. THE SEWER MAIN HAS BEEN INSTALLED.



| Curve Table |        |        |            |               |                |
|-------------|--------|--------|------------|---------------|----------------|
| Curve #     | Length | Radius | Delta      | Chord Bearing | Chord Distance |
| C1          | 15.43  | 225.00 | 003°55'47" | N88° 02' 07"E | 15.43          |
| C2          | 17.15  | 250.00 | 003°55'47" | N88° 02' 07"E | 17.14          |
| C3          | 36.39  | 50.00  | 041°42'07" | N39° 28' 44"W | 35.59          |
| C4          | 22.34  | 17.00  | 075°18'06" | N56° 16' 44"W | 20.77          |
| C6          | 18.86  | 275.00 | 003°55'47" | N88° 02' 07"E | 18.86          |

#### PHASE 1 BOUNDARY DESCRIPTION

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CONTAINS 333,516 SQUARE FEET OR 7.656 ACRES, MORE OR LESS.

#### LEGEND

|                         |  |
|-------------------------|--|
| PROPOSED WATER LINE     |  |
| PROPOSED SEWER LINE     |  |
| PROPOSED STORM DRAIN    |  |
| PROPOSED CATCH BASIN    |  |
| FIRE HYDRANT (AS NOTED) |  |

#### PROJECT INFORMATION

**HIGHGATE NO 2  
PHASE 1**

CONCEPT PLAN

WEST BOUNTIFUL CITY, UTAH

| DRAWN | CHECKED | PROJECT # |
|-------|---------|-----------|
| DCC   | DPW     | 20258     |



DATE  
**1/26/2021**

SCALE  
**1" = 50'**

SHEET  
**2 OF 2**

G:\DATA\20258 Highgate No 2 Sub\dwg\20258 Concept 1a.dwg  
PLOT DATE: Feb 11, 2021



# PRELIMINARY PLAT SUBDIVISION APPLICATION

West Bountiful City

550 N 800 W  
West Bountiful, UT 84087  
(801) 292-4486  
Fax: (801) 292-6355  
www.wbcity.org

DATE: 2-11-21

SUBDIVISION NAME: HighGate No 2 phase 1

SUBDIVISION LOCATION: Approx 1500 W. 100 S.

PARCEL NUMBER: 0070  
0069 ZONE: A-1 SIZE OF PARCEL: 7 Acres

Property Owner(s): ONION Patch Securities

Developer: BlackGate Investments LLC

Address: 3039 S. 900 E SLC. UT. 84106

Primary phone: 801-548-2817 Cell phone: 801-891-4284

E-mail address: todd.willey15@gmail.com

## Property Owner's Statement:

I (We), the owner(s) of the above described parcel(s) hereby authorize Black Gate Investments the Developer, to act for and on behalf of the Owner(s) in all appearances before the public bodies, agencies or representatives necessary to execute the purpose of subdividing the property.

Alice S. Johnson  
Property Owner Signature

Todd Willey  
~~Property Owner Signature~~ Developer

**THIS APPLICATION IS CONSIDERED COMPLETE WHEN THE REQUIREMENTS OF WBMC 16.16.020 ARE MET.**

## FOR OFFICIAL USE ONLY

Conceptual Site Plan Review (\$100 per submittal):

Fee pd: \$ 100<sup>00</sup> Date pd: 2/16/21 Initial: MA Date approved: \_\_\_\_\_

Preliminary Plan Review (\$50/lot + \$100/acre or part) due with submittal:

Fee pd: \$ \_\_\_\_\_ Date pd: \_\_\_\_\_ Initial: \_\_\_\_\_ Date approved: \_\_\_\_\_



# MEMORANDUM



**TO:** Planning Commission

**DATE:** February 19, 2021

**FROM:** Staff

**RE:** Review of Height Regulations in Residential Zones

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## BACKGROUND

In 2019, yard regulations, including accessory building height requirements in the residential zones were adopted. Prior to these changes, requests for additional height were presented to the planning commission as part of a conditional use application. To move away from the conditional use, a sliding scale was implemented that allowed additional height by increasing setbacks. See detail below:

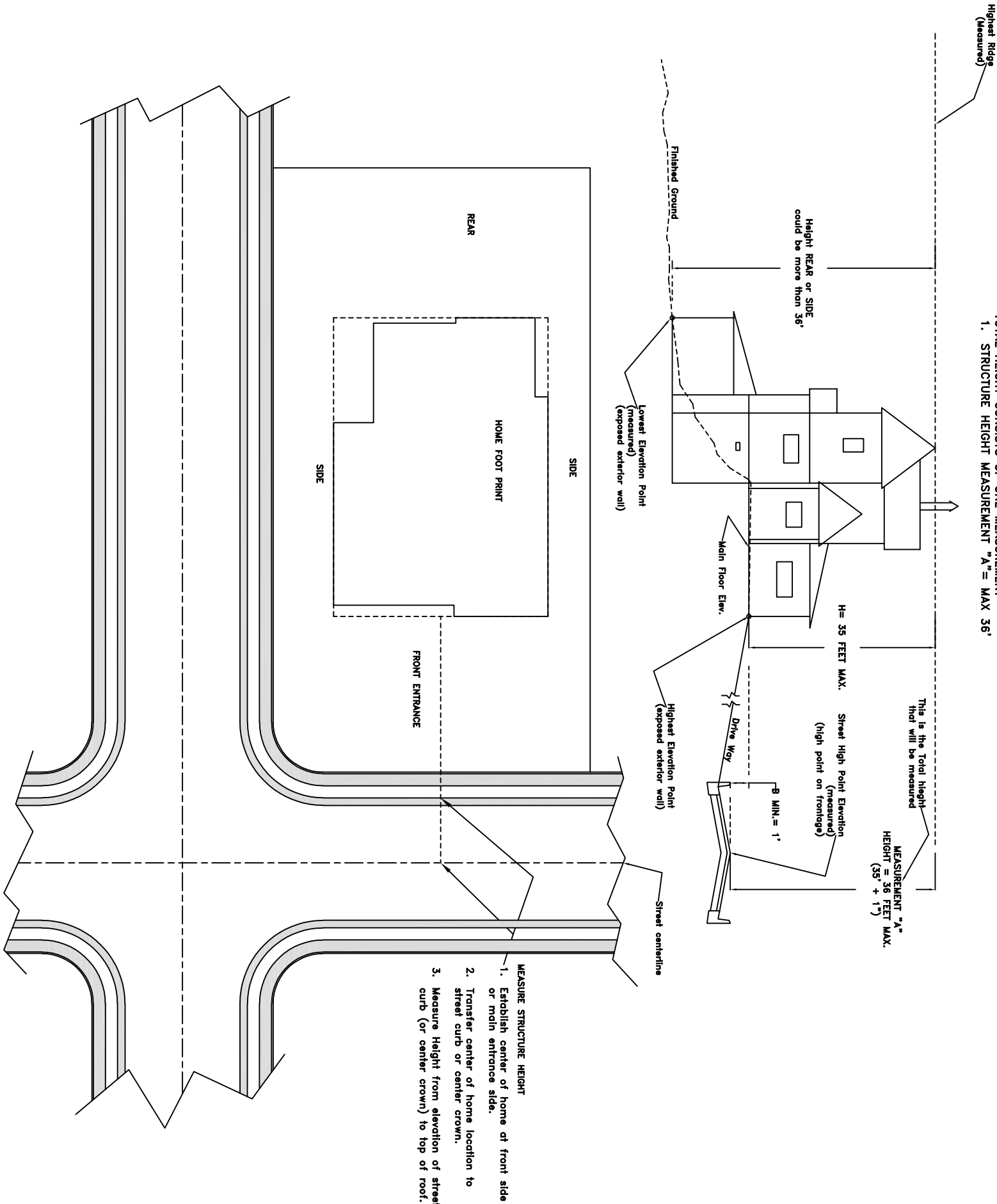
- *In the R-1-10 zone, height can be increased from 20 ft to a maximum of 25 ft. if the accessory structure is set back an additional 2 feet beyond the minimum setbacks for every additional foot requested.*
- *In the R-1-22 zone, height can be increased from 20 ft. to a maximum of 30 ft. if the accessory structure is set back an additional 1 foot beyond the minimum setbacks for every additional foot requested.*
- *In the A-1 zone, height can be increased to a maximum of 40 feet if the main, accessory, or non-commercial structure is set back an additional 1 foot beyond the minimums required.*

## DISCUSSION & OBJECTIVES

1. Improve or replace the 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. (See attached diagrams).
  - 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. (see attached chart)

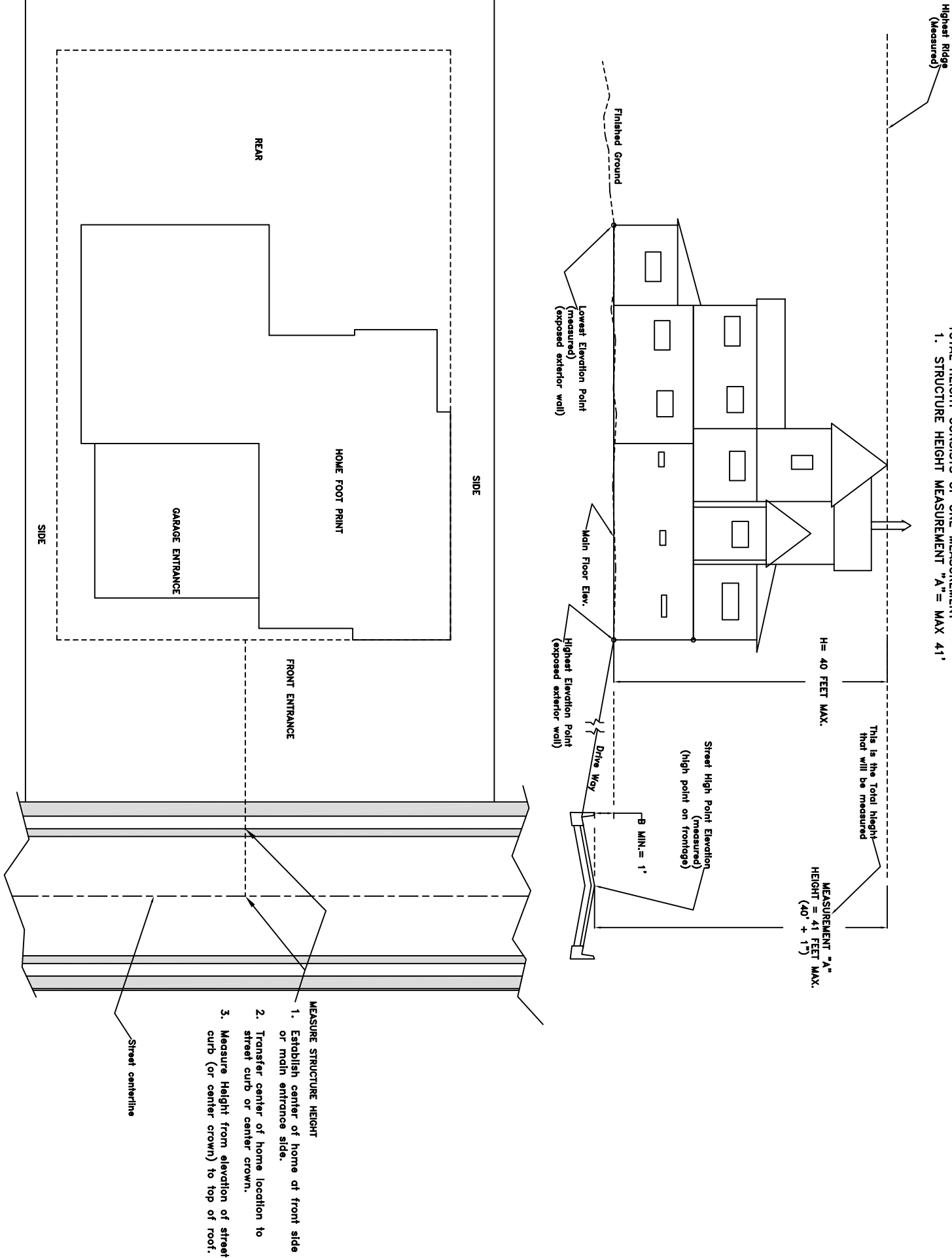
HEIGHT OF SINGLE FAMILY RESIDENCE  
ZONE R-1-10 and R-1-22

TOTAL HEIGHT CONSISTS OF ONE MEASUREMENT  
1. STRUCTURE HEIGHT MEASUREMENT "A" = MAX 36'



HEIGHT OF SINGLE FAMILY RESIDENCE  
ZONE A-1

TOTAL HEIGHT CONSISTS OF ONE MEASUREMENT  
1. STRUCTURE HEIGHT MEASUREMENT "A" = MAX 41'





## HEIGHT/SETBACKS IN RESIDENTIAL DISTRICTS

### R-1-10

**Main Structure** maximum height = 35 ft.

**Accessory Structure** maximum height = 25 ft. with the following setbacks:

| Height          | Current Side/<br>Rear Setback |
|-----------------|-------------------------------|
| ≤ 20 ft         | 6 ft*                         |
| › 20 ft ≤ 21 ft | 8 ft                          |
| › 21 ft ≤ 22 ft | 10 ft                         |
| › 22 ft ≤ 23 ft | 12 ft                         |
| › 23 ft ≤ 24 ft | 14 ft                         |
| › 24 ft ≤ 25 ft | 16 ft                         |

| Height | New<br>Setback? |
|--------|-----------------|
| ≤ 20   | 6               |
| ≤ 22   | 8               |
| ≤ 25   | 10              |

### R-1-22

**Main Structure** maximum height = 35 ft.

**Accessory Structure** maximum height = 30 ft. with the following setbacks:

| Height          | Current Side/<br>Rear Setback |
|-----------------|-------------------------------|
| ≤ 20 ft         | 6 ft*                         |
| › 20 ft ≤ 21 ft | 7 ft                          |
| › 21 ft ≤ 22 ft | 8 ft                          |
| › 22 ft ≤ 23 ft | 9 ft                          |
| › 23 ft ≤ 24 ft | 10 ft                         |
| › 24 ft ≤ 25 ft | 11 ft                         |
| › 25 ft ≤ 26 ft | 12 ft                         |
| › 26 ft ≤ 27 ft | 13 ft                         |
| › 27 ft ≤ 28 ft | 14 ft                         |
| › 28 ft ≤ 29 ft | 15 ft                         |
| › 29 ft ≤ 30 ft | 16 ft                         |

| Height | New?  |
|--------|-------|
| ≤ 22   | 6 ft* |
| ≤ 24   | 7 ft  |
| ≤ 26   | 8 ft  |
| ≤ 28   | 10 ft |
| ≤ 30   | 12 ft |

### A-1

Maximum Building Height (Primary, Accessory, Non-Commercial) = 40 ft. with the following setbacks (current):

#### Accessory, Non-Commercial

| Height          | Current Side/<br>Rear Setback |
|-----------------|-------------------------------|
| ≤ 35 ft         | 6 ft*                         |
| › 35 ft ≤ 36 ft | 7 ft                          |
| › 36 ft ≤ 37 ft | 8 ft                          |
| › 37 ft ≤ 38 ft | 9 ft                          |
| › 38 ft ≤ 39 ft | 10 ft                         |
| › 39 ft ≤ 40 ft | 11 ft                         |

#### Main Structure

| Height          | Min.Setback | Combined |
|-----------------|-------------|----------|
| ≤ 35 ft         | 10 ft       | 24 ft    |
| › 35 ft ≤ 36 ft | 11 ft       | 26 ft    |
| › 36 ft ≤ 37 ft | 12 ft       | 28 ft    |
| › 37 ft ≤ 38 ft | 13 ft       | 30 ft    |
| › 38 ft ≤ 39 ft | 14 ft       | 32 ft    |
| › 39 ft ≤ 40 ft | 15 ft       | 34 ft    |

\* can reduce to 3 ft if structure is built to fire code standards

2/19/2021

# MEMORANDUM



**TO:** Planning Commission

**DATE:** February 19, 2021

**FROM:** Staff

**RE:** Discussion of Proposed Updates to Permitted and Conditional Uses

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## BACKGROUND

The planning commission has been reviewing the Conditional Use ordinance for several months in an attempt to reduce the number of conditional uses in Code when standards and criteria are already in place. A determination of permitted vs. conditional uses is an important part of this process.

The Commission discussed the Uses listed in the residential and commercial zones and generally agreed that many of the conditional uses could be moved into the permitted section. Staff was asked to review the lists, provide information for the other zones, and make suggestions for further discussion.

## DISCUSSION

Staff was asked to continue its review and provide recommendations. Clarification on public, quasi-public uses, and restricted lots was also requested. According to Mr. Doxey, 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 don't really matter because we don't have any lots in the city that would qualify but should remain conditional.

Staff has attached an updated list of Permitted and Conditional Uses in residential and commercial zones within the city for review and discussion. Those we believe can be moved into the Permitted section have been moved and are shown italics. New uses/language added are shown in red. Those requiring discussion are highlighted.

## PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL ZONES

### R-1-10

#### 17.24.020 Permitted Uses

1. Agricultural;
2. Single family dwellings;
3. **Accessory Structures;**
4. Home occupations;
5. *Accessory dwelling units (ADU) – attached to primary structure;*
6. *Flag lots;* and
7. Farm animals.

#### 17.24.030 Conditional Uses

1. Public, quasi-public uses; (*churches, etc.*)
2. Restricted lots, (see Definitions in Section 17.04.030); and
3. Child day care, nursery or **preschool** (pursuant to Chapter 5.28 Home Occupations).
4. ~~Accessory Dwelling Units (ADU)~~
5. ~~Flag lots~~

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### R-1-22

#### 17.20.020 Permitted Uses)

1. Agricultural;
2. Single-family dwellings;
3. **Accessory Structures;**
4. Home occupations;
5. *Accessory dwelling units (ADU) – attached to primary structure;*
6. *Flag lots;*
7. Farm animals.

#### 17.20.030 Conditional Uses

1. Public, quasi-public uses;
  2. Restricted lots, (see Definitions in Section 17.04.030);
  3. Child day care, nursery or **preschool** (pursuant to Chapter 5.28 Home Occupations);
  4. ~~Accessory Dwelling Units (ADU); and~~
  5. ~~Flag lot;~~
-

## A-1

### **17.16.020 Permitted Uses**

1. Agricultural;
2. Single-family dwellings;
3. **Accessory and** Non-commercial structures;
4. Home occupations;
5. *Accessory dwelling units (ADU) – attached to primary structure;*
6. *Flag lots; and*
7. Farm animals.

### **17.16.030 Conditional Uses**

1. Public or quasi-public uses;
  2. Restricted lots (see definitions in Section 17.04.030);
  3. Equestrian facilities, commercial stables;
  4. Kennels (pursuant to Chapter 5.28 Home Occupations); and
  5. Child day care, nursery, or **preschool** (pursuant to Chapter 5.28 Home Occupations);
  6. ~~Flag lots;~~
  7. ~~Accessory Dwelling Units (ADU).~~
-



## ***CN - Commercial Neighborhood***

### **17.28.020 Permitted Uses**

1. Appliance and small equipment repair, including shoe repair;
2. Drug store;
3. Dry cleaning pickup station;
4. General merchandise sales (retail and wholesale) less than two thousand (2,000) square feet;
5. Offices, business or professional;
6. Personal services;
7. Public and quasi-public ~~institutions~~ uses;
8. Convenience store, less than two thousand (2,000) square feet
9. Learning studios such as **tutoring**, karate, dance, gymnastics, **preschool**;
- ~~10. Real estate and/or insurance offices;~~
- ~~11. Computers, : software and hardware, sales and service;~~
12. Office machine, **computer** sales and service;
13. Ceramic business;
- 14. Custom wood working**
- 15. Sheet metal*
- 16. Printing and publishing*
17. Carpet cleaning; and
18. Medical cannabis pharmacy, as defined in Chapter 17.62.

### **17.28.030 Conditional Uses**

1. Reception center, meeting hall;
2. Restaurants, cafeterias and fast food eating establishments;
3. Banking and financial services;
- ~~4. Custom woodworking (as approved by fire marshal)~~
- ~~5. Sheet metal;~~
6. Contractor: general, electrical, mechanical and plumbing, etc.
- ~~7. Printing and publishing;~~
- ~~8. Silkscreening;~~
9. Lawn and yard care;
10. Residential healthcare facility; and
11. Business and uses which are similar to those listed in this section and Section 17.28.020 and other small businesses determined suitable for a neighborhood environment by the planning commission.

### **17.28.035 Prohibited Uses**

1. Retail tobacco specialty businesses;
  2. Retail e-cigarette specialty businesses;
  3. Sexually oriented businesses; and
  4. Cannabis production establishment, as defined in Chapter 17.62.
-

## ***CG – Commercial General***

### **17.32.020 Permitted Uses**

1. Appliance and small equipment repair;
2. **Tailor, seamstress**, shoe repair;
3. Drug store;
4. Dry cleaning;
5. General merchandise sales **and service**;
6. Offices, business and professional;
7. Personal services;
8. Public and quasi-public institutions;
9. Convenience store, **car wash, gas station**;
10. *Reception center, meeting hall*;
11. *Grocery store*;
12. *Theaters*;
13. *Commercial schools, Learning studios*;
14. *Lumber and other building material, retail sales*;
15. *Marine, RV, Motorcycle, and aircraft retail sales and service ~~and accessories~~*;
16. Banking and financial services;
17. **Non-motorized recreation, pool, gymnasium**
18. Restaurants, cafeterias, and fast food eating establishments; and
19. Medical cannabis pharmacy, as defined in Chapter 17.62.

### **17.32.030 Conditional Uses**

1. Liquor, retail, package store;
2. Drinking places with alcoholic beverages;
3. Residential health care facility;
4. ~~Reception center, meeting hall~~;
5. **Motor vehicle sales and service (excluding auto body repair)**;
6. ~~Grocery store~~;
7. ~~Lumber and other building material, retail sales~~;
8. ~~Marine, and aircraft retail sales and accessories~~;
9. ~~Theaters~~;
10. ~~Commercial schools~~;
11. Hospitals and medical service facilities;
12. Hotel, Motel and extended stay facilities; and
13. Other retail businesses which are similar to those listed in this section and Section 17.32.020, as determined by the planning commission.

### **17.32.035 Prohibited Uses**

1. Retail tobacco specialty businesses;
2. Retail e-cigarette specialty businesses;
3. Sexually oriented businesses; and
4. Cannabis production establishment, as defined in Chapter 17.62.

## ***CH – Commercial Highway***

### **17.34.020 Permitted Uses**

1. Appliance and small equipment repair;
2. Lawn and yard care;
3. Printing and publishing;
4. Offices, business and professional;
5. *General merchandise sales*
6. *Custom woodworking (as approved by the fire marshal);*
7. ~~Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping;~~
8. *Marine, RV, motorcycle, and aircraft retail sales and service accessories;*
9. *Lumber and other building materials retail sales;*
10. *Motor vehicle sales and service (excluding auto body repair) and outdoor storage of retail vehicle inventory;*
11. *Indoor fabrication, machining or welding of materials or equipment not for resale;*
12. *Equipment sales, service and/or repair, including outdoor repair and welding;*
13. ~~Silk screening;~~
14. Reception center, meeting hall;
15. Convenience store, *including car wash, gas station;*
16. ~~Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping;~~
17. Indoor storage units;
18. Laboratory;
19. Medical cannabis pharmacy, as defined in Chapter 17.62., and
20. Public and quasi-public facilities not prohibited in Section 17.34.040;

### **17.34.030 Conditional Uses**

1. Liquor, retail, package store;
2. Drinking places with alcoholic beverages;
3. ~~Motor vehicle sales and service (excluding auto body repair) and outdoor storage of retail vehicle inventory;~~
4. ~~Reception center, meeting hall;~~
5. ~~Marine and aircraft retail sales and accessories;~~
6. ~~Lumber and other building materials retail sales;~~
7. ~~Custom woodworking (as approved by the fire marshal);~~
8. Warehousing, as a primary use, unless prohibited in Section 17.34.040;
9. ~~Car wash as ancillary to a convenience store;~~
10. ~~General merchandise sales;~~
11. Pawnshop;
12. Outdoor storage of equipment, landscaping materials and seasonal inventory incidental to an approved permitted or conditional use;
13. ~~Indoor fabrication, machining or welding of materials or equipment not for resale;~~
14. ~~Equipment sales, service and/or repair, including outdoor repair and welding;~~
15. Retail e-cigarette specialty businesses; and
16. Other commercial businesses which are similar to those listed in this section and Section 17.34.020, as determined by the planning commission.

#### **17.34.040 Prohibited Uses**

1. Salvage yards;
  2. Parts yards;
  3. Residential dwelling units;
  4. Motor vehicle warehousing, salvage, or storage (whether indoor or outdoor);
  5. Recycling centers/recycling collection areas;
  6. Rehabilitation/treatment centers, transitional housing, residential facilities for elderly persons, residential facilities for persons with a disability, boarding homes, and any other facility subject to the regulations of Chapter 17.84 of this title;
  7. Schools and churches;
  8. Storage of petrochemicals, not for retail sales;
  9. Correctional facilities or facilities with similar uses;
  10. Sexually oriented businesses;
  11. Retail tobacco specialty businesses;
  12. Single retail unit space over seventy-five thousand (75,000) square feet; and
  13. Cannabis production establishment, as defined in Chapter 17.62.
-

## ***LI – Light Industrial***

### **17.36.020 Permitted Uses**

1. Appliance and small equipment repair, including shoe repair;
2. Equipment sales, service and repair;
3. Printing and publishing;
4. Research and development;
5. Offices, business and professional;
6. Warehousing and storage facilities;
7. Public and quasi-public institutions;
8. Retail commercial uses;
9. Sexually oriented businesses; and
10. Medical cannabis pharmacy, as defined in Chapter 17.62.

### **17.36.030 Conditional Uses**

- A. Light manufacturing, compounding, processing, milling or packaging of products, which must be accomplished entirely within an enclosed structure, including but not limited to the following:
  1. Automotive parts and accessories, but not including tires and batteries;
  2. Steel structural members and related products;
  3. Lumber and wood products;
  4. Apparel and other textile products;
  5. Paper and allied products;
  6. Rubber and plastic products; and
  7. Electronic and electrical products.
- B. Cannabis production establishment, as defined in Chapter 17.62; and
- C. Other uses and businesses which are similar to those listed in this section and Section 17.36.020, as determined by the planning commission.

### **17.36.035 Prohibited Uses**

1. Retail tobacco specialty businesses; and
  2. Retail e-cigarette specialty businesses.
-



## ***IG – Industrial General***

### **17.40.020 Permitted Uses**

- A. Equipment sales, service and repair;
- B. Printing and publishing;
- C. Research and development;
- D. Offices, business and professional;
- E. Warehousing and storage facilities;
- F. Manufacturing, compounding, processing, milling or packaging of products, including but not limited to the following:
  - 1. Automotive parts and accessories, but not including tires and batteries,
  - 2. Steel structural members and related products;
  - 3. Lumber and wood products,
  - 4. Apparel and other textile products,
  - 5. Paper and allied products,
  - 6. Rubber and plastic products,
  - 7. Electronic and electrical products; and
  - 8.
- G. Public and quasi-public institutions;
- H. Medical cannabis pharmacy, as defined in Chapter 17.62; and
- I. Cannabis production establishment, as defined in Chapter 17.62.

### **17.40.030 Conditional Uses**

- 1. Storage of inflammable bulk liquids;
- 2. Outdoor storage of merchandise or equipment;
- 3. Retail e-cigarette specialty businesses; and
- 4. Other uses and businesses which are similar to those listed in this section and Section 17.40.020, as determined by the planning commission.

### **17.40.035 Prohibited Uses**

- 1. Retail tobacco specialty businesses; and
- 2. Sexually oriented businesses.

West Bountiful City

February 09, 2021

Planning Commission Meeting

**PENDING – NOT APPROVED**

**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 5, 2021 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 9, 2021 at West Bountiful City Hall, Davis County, Utah.

***Those in Attendance:***

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

**MEMBERS EXCUSED:** Corey Sweat

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

**VISITORS: Via Zoom:** Gary Jacketta

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/Thought by Commissioner Cottle.**

3. **Accept Agenda**

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

#### 4. Discuss Height Regulation in Residential Districts

Commissioner packets included a memorandum from Staff dated February 5, 2021 regarding Review of Height Regulation in Residential Zones.

Tonight, is a continued discussion from the previous meeting discussing and reviewing height regulations in residential zones within the City. Cathy Brightwell explained that in 2019, new yard regulations, including accessory building height requirements in the residential zones, were adopted. Prior to these changes, requests for additional height were presented to the planning commission as part of a conditional use application. To move away from the conditional use, a sliding scale was implemented that allowed additional height by increasing setbacks. See detail below:

- *In the R-1-10 zone, height can be increased from 20 ft to a maximum of 25 ft. if the accessory structure is set back an additional 2 feet beyond the minimum setbacks for every additional foot requested.*
- *In the R-1-22 zone, height can be increased from 20 ft. to a maximum of 30 ft. if the accessory structure is set back an additional 1 foot beyond the minimum setbacks for every additional foot requested.*
- *In the A-1 zone, height can be increased to a maximum of 40 feet if the main, accessory, or non-commercial structure is set back an additional 1 foot beyond the minimums required.*

Ms. Brightwell stated that staff is looking for some clarification to help determine how to measure structures, to clarify some of the language in the current code and provide direction.

Kris Nilsen described the diagrams he prepared that are intended to clarify how measurements are handled today and provide options for the future. The first, #A, measures the structure from the lowest exposed foundation point to the highest point of the roof. The lowest elevation point is the one that varies depending on fill, grading and elevation of lot, etc., so staff is looking for a consistent point from which to measure. The second, that should also be included, #B, shows the highest point of the road (crown) and top back of curb. These points are typically very close in elevation, but the crown is necessary for streets without curb. Ms. Brightwell explained that current regulations require the lowest finished floor to be a minimum of 12 inches above curb which means the height of many buildings is at least 12" above plus the regulated height measurement. Additionally, in many areas, fill has been brought in to raise the elevation of lots to deal with drainage issues, areas lower than surrounding properties, etc. This means the base structure measurement is higher.

There was discussion about how best to come up with consistent measurements. Commissioner Vest noted that the crown of the road would seem to be the most consistent point to measure from as some streets do not currently have curbs. Chairman Hopkinson pointed out that in some cases there are drainage problems that can occur when other

standards are used and the elevation of lots can differ significantly from front to back or side to side especially on corner lots.

It was suggested to use the top of curb or where there is no curb use the crown of the road as the standard. Further discussion took place regarding corner lots and other scenarios that could occur on different properties in various zones.

Staff explained that their proposal is to use both the A (structure) and B (road/site) measurements which will account for the overall height as is done today. Some commissioners were not in support of the "B" option displayed in the diagram as a point of measure because it is ambiguous.

The question was posed that if measurements are from the top back of curb or the crown of road, do we are keeping the same maximum height regulations currently in place. The foot above top back of curb was put into place to ensure water moves away from the home, and there are other reasons to have the structure higher. There was an inquiry about who sets the current foundation level, and it was determined that presently the contractor has been setting where the foundation begins depending on the circumstances of the lot. After polling the commissioners, there was consensus that the standard lowest measurement should be the crown of the road or top back of curb measured from the lowest exposed foundation.

Chairman Hopkinson suggested that we develop language that is a standard measurement and leave the current height standards in place. He is concerned about changing the total maximum height allowance listed in code even if it results in buildings that are the same height as measured under current regulations. Ms. Brightwell noted that many buildings that have been approved with our current standards will be higher than under the new standard. Staff has concerns about the impact of changing total structure elevations at this point.

Cathy Brightwell introduced a chart showing heights and setbacks currently in code. Including a similar chart in the yard regulation ordinance may be easier to understand than the current sliding scale text. Commissioner Malan stated that he was not in favor of the larger setbacks added for height in accessory buildings as it usually resulted in wasted space, especially on smaller lots where there is not as much room and access to rear garages can be limited.

Chairman Hopkinson would like to see clarification on the chart of whether the setbacks are only for side yards because generally it is understood that setbacks run from front to back. Staff explained that for accessory structures the current code states that the setback for side yard is the same as the rear yard.

Chairman Hopkinson asked staff to work on some clear language for the items discussed this evening with input from Mr. Doxey for discussion at the next meeting.

**5. Discuss Proposed Changes to WBMC 17.60 Conditional Uses**

Commissioner packets included a memorandum from Staff dated February 5, 2021 regarding Review of Proposed Updates to WBMC 17.60- Conditional Use Ordinance with a draft of a clean version including comments from staff, Steve Doxey, and commissioners.

The intent is to clarify any vague comments in our standards and criteria. It is suggested that conditional uses be used more sparingly based on legislative changes that limit the city's ability to deny conditional use requests when conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use. Cathy Brightwell noted that staff has incorporated the changes proposed by commissioners at the last meeting and from Steve Doxey to create a clean version of this document.

Commissioners were invited to make comments on the document.

Alan Malan suggested a correction to 17.60.030 C. Use, add "*and*" and in 17.60.040.D clarify what an "*attractive nuisance*" is. Ms. Brightwell explained that this refers to something like an old refrigerator sitting out in a yard that could attract children and be detrimental to the health, safety, and welfare. It was suggested to instead use the term "*hazardous nuisance*." Which may be clearer. Mr. Malan suggested to take out the word "*decrease*" in 2.C. and noted that in 2.F. "*conflict with neighborhood compatibility*" sounds ambiguous. Staff will review that language and modify it. He noted that in paragraph 2.G. "*mass*" was not needed and inquired about the meaning of "*solar access*." In addition, he asked why we would be concerned with architectural design and exterior detailing/finishes and colors within the neighborhood. Ms. Brightwell responded that it is there just in case it would ever be needed. In regard to 17.60.070 – Commissioner Malan inquired why do we care about permits expiring. Staff explained that in some cases it may not matter and should be reviewed.

**6. Discuss Permitted and Conditional Uses Allowed in Residential and Commercial Districts**

Commissioner packets included a memorandum dated February 5, 2021 from Staff regarding Proposed Updates on Permitted and Conditional Uses with an attached redline copy of a current list of Permitted and Conditional Uses in Residential and Commercial zones within the city for review and discussion.

Cathy Brightwell explained what has been done to reduce the number of Conditional Uses in our code when standards and criteria are in place. She noted that a determination of permitted vs. conditional uses is an important part of this process. To begin the discussion, staff reviewed the items they believe can be moved into the Permitted section.

The Commission discussed the Uses listed in the residential zones and generally agreed that many of the conditional uses could be moved into the permitted section. Staff was asked to review the lists, provide information for the other zones, and make suggestions for further discussion.

Mr. Chairman read a message from Commissioner Sweat regarding his thoughts on this subject. He feels that most items in the Conditional use section can be moved to Permitted Use.

Upon review, Mr. Malan suggested to add "Attached" to Accessory Dwelling units in permitted use. It was noted that Child Day Care needs to be a conditional use because the Home Occupation requires it. Ms. Brightwell pointed out that standards need to be put in place for equestrian facilities, commercial stables and commercial kennels. She noted that several new items have been added to the list that she obtained by reviewing other cities ordinances and deleted some that were redundant or covered elsewhere in code, e.g., off-street parking ordinance.

Ms. Brightwell pointed out that gas stations are considered part of a convenient store, but we may want to clarify that. She also suggested that we may want to have more discussion on drinking places with alcoholic beverages.

Chairman Hopkinson asked staff to continue their review and get comments from Steve Doxey and then provide the commission with an updated version for review at our next meeting.

## **7. Staff Report**

### **Kris Nilson:**

- Porter Lane road project bids are due tomorrow. It begins at 600 West and goes to the north end of 800 West.
- Preparing information for the well house bid award for Council at their next meeting.

### **Cathy Brightwell:**

- Larry Miller dealership has some irrigation issues in their parkway along 500 West and would like to make some landscaping changes by maybe using some xeriscaping. She will see what changes they are suggesting and report back.



**8. Consider Meeting Minutes from January 12, 2021**

**Action Taken:**

*Mike Cottle moved to approve of the minutes of the January 26, 2021 meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.*

## 9. *Adjourn*

**Action Taken:**

***Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:09 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.***

.....

*The foregoing was approved by the West Bountiful City Planning Commission on February 23, 2021, by unanimous vote of all members present.*

*Cathy Brightwell – City Recorder*