

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, MARCH 9, 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. Conditional Use Application #21-14 for Accessory Dwelling Unit at 126 Steelman Circle, Highgate Lot #16, Building Permit #1343.
5. Conditional Use Application #21-15 for West Bountiful 400 North Viaduct Well House.
6. Discuss Height Regulations and Setbacks in Residential Districts.
7. Discuss Permitted, Conditional and Prohibited Uses in Residential, Commercial, and Industrial Zones.
8. Staff report.
9. Consider Meeting Minutes from February 23, 2021.
10. Adjourn.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/89305587186>

Meeting ID: **893 0558 7186**

Or, dial by your location
+1 669 900 6833
+1 253 215 8782

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on March 5, 2021 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

March 9, 2021

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 March 5, 2021 per state statutory requirement.

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

Those in Attendance:

Due to the Coronavirus pandemic this meeting was held electronically via 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, and Debbie McKean (Secretary) via Zoom.

MEMBERS EXCUSED: Steve Doxey (Legal)

VISITORS: Via Zoom: Gary Jacketta, Dave Moultrie

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

Chairman Hopkinson announced his resignation as Chairman of the Planning Commission after 14 years of service.

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. Corey Sweat moved to approve the agenda as presented. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

4. **Conditional Use Application #21-14 for Accessory Dwelling Unit at 126 Steelman Circle, Highgate Lot #6, Building Permit #1343**

Commissioner packets included a memorandum dated March 5, 2021 from Cathy Brightwell regarding an Accessory Dwelling Unit at 126 Steelman Circle, Highgate Estates Lot 16 with an attached site plan.

Ms. Brightwell explained that a building permit has been issued for the Dalanhese home and is designed to include an accessory dwelling unit (ADU). A conditional use permit is required prior to using the potential apartment as an ADU. Staff recommended that the owners obtain the Conditional Use Permit for the ADU now for the simple reason that municipal and building codes change from time to time. It would be unfortunate if future changes to code prohibit the ADU or require structural changes for its approval.

WBMC Chapter 17.82 allows a conditional use for an ADU subject to the development standards specifically listed in Section 17.82.050. (The builder is aware of these conditions)

Staff provided recommended findings of fact and conditions be applied to this conditional use permit.

Dave Moultrie, representing the homeowners, stated that they are supportive of this process to approve the ADU.

Action Taken:

Corey Sweat moved to approve the conditional use application for Application for an Accessory Dwelling Unit at 126 Steelman Circle, Highgate Estates, Lot #6, Building Permit #1343, with the following findings:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;***
- 2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;***
- 3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; and***
- 4. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.***

The following conditions will be imposed:

- 1. Applicant will construct the ADU in such a manner that WBMC 17.82.050 and the International Residential Building Code requirements for a second dwelling unit are satisfied;***
- 2. Language will be included in any rental or lease agreement for the ADU that the lease will terminate upon sale of the property;***
- 3. This Permit is not transferable – if at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the Permit shall be revoked pursuant to WBMC 17.60.080; and***
- 4. The applicant will execute the Conditional Use permit and ADU agreement which will be recorded in the County Recorder's office.***

Mike Cottle seconded the motion and voting was unanimous in favor.

5. Conditional Use Application for West Bountiful's 400 North Viaduct Well House

Commissioner packets included a memorandum dated March 9, 2021 from Kris Nilsen regarding a West Bountiful City Conditional Use Permit for the 400 North Well Site (approximately 750 West 400 North) with accompanying site plan and drawings.

Mr. Nilsen explained that West Bountiful City owns and operates a Public Culinary Water System that serves the residents of West Bountiful City. As part of operating and maintaining a public system the City has a need to expand the system to keep up with growth and service needs within the City. This 400 North new Well Site will provide a needed additional source of culinary water supply for the public culinary water system. This is part of the capital facilities plan to keep up with the growth of the city.

The site improvements will consist of the following:

- A well house containing and protecting the well and the needed appurtenances for water supply to the public system such as, pump, water treatment, valves, fittings, electrical supply, and backup generator.
- The well house site will have six-foot-tall chain-link perimeter security fence and gate providing access for system operators, vehicles, and equipment.
- The well house parking area within the security fence will be finished with a gravel surface. Access to the site will be from north side of the most southerly 400 North Street. The street frontage along the well house site will be improved with asphalt widening and curb as part of the project.
- The well house structure is one level with an exterior finish of split face block with a decorative one row of standard block at the mid-level of the wall. The roof is a metal roof finish with a ridge line approximately 19 feet above site finished ground elevation.
- The well house site is located in the R-1-10 zone. Operation of a public culinary well and water system is considered a quasi-public use, which is a conditional use in the R-1-10 Zone.

Kris Nilsen informed stated that there will be a six-foot fence surrounding the area and the required setbacks will be adhered to. Staff is Recommending the following conditions:

1. Limit hours of construction operation to work between 7:00 AM start and 10:00 PM stop.
2. Construction parking limited to on site and north side of street. Relevant Code sites: 17.24.030 Conditional Uses

Commissioner Comments:

Mike Cottle inquired if there will be fluoride in the water. Answered in the affirmative.

Dee Vest is concerned that the building is not an eye sore since it is the entrance to our city. Mr. Nilsen informed them that materials have not been decided yet. Landscaping is not included in the bid package but will done by our city and is being discussed at this time. Mr. Vest asked if people will be able to fill up water jugs from this station. Mr. Nilsen explained there is no provision for it.

Council member Enquist told the commission that Centerville City has a well called the Church well that lets citizen fill containers with water and is a big asset to the public. He said he does not like the proposed building design. It was suggested that those concerned with the design contact city council.

Laura Charchenko is concerned with public safety if people are allowed to stop and fill water jugs as there is a blind corner to the east. Mr. Nilsen noted that the road will be widened and have curb and gutter. Some discussion took place regarding safety for school traffic and children especially with no sidewalk.

Alan Malan asked about setbacks and Kris Nilsen informed him that it is a corner lot and the front is considered the west side. Mr. Malan said he would like to see more gravel to the west of the building.

Additional discussion:

Building – as the well house location is the main entrance into the city, it was felt that the building should be more attractive than the one proposed. Changing the design, color, and type of roof along with landscaping may go a long way to improve the looks.

Public Access to un-fluoridated water - Mr. Cottle said he loved having access to water at the old 800 West church house and feels that providing a similar service at the new well would be a great benefit to West Bountiful citizens. Mr. Sweat commented that he supports installing a spigot for fresh water, but there would likely be extra cost of providing free unmetered water. Ensuring adequate public parking options were also discussed. Mr. Sweat asked if there is a way to include the public access to non-fluoridated water as a condition to this permit. Mr. Hopkinson stated that as the approving body, the planning commission can add any conditions they believe are appropriate.

Action Taken:

Corey Sweat moved to approve the conditional use application for the 400 North Viaduct Well House with the following findings:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;***
- 2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;***
- 3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;***
- 4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;***
- 5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;***
- 6. The proposed use will conform to the intent of the city's general plan; and***
- 7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.***

The following conditions will be imposed:

- 1. Limit hours of construction operation to work between 7:00 am start and 10:00 pm stop.***
- 2. Construction parking will be limited to on-site and on the north side of the street.***
- 3. Public access to un-fluoridated water for West Bountiful citizens will be added into the design.***
- 4. Additional gravel and an additional drive approach will be added to the west frontage for off street parking for access to the un-fluoridated water.***

Mike Cottle seconded the motion and voting was unanimous in favor.

6. Discuss Height Regulations and Setbacks in Residential Districts

Commissioner packets included a memorandum dated March 5, 2021 from staff regarding Review of Height Regulations in Residential Zones with an accompanying chart for height regulations for the different residential zones.

The Commission has been discussing modifications to height regulations in residential zones for several months. A sliding scale was adopted in 2019 when requests for increased height were moved from a conditional use to a permitted use. Since that time, staff and city council have identified areas needing clarification and reevaluation.

The planning commission has studied and re-evaluated minimum and maximum heights for both primary structures and accessory structures in each of the three residential zones and has discussed replacing the sliding scale with clear standards and to determine consistent measurement points for uniformly determining the height of structures to clarify the current code which it is measured from the lowest finished ground level.

There was discussion regarding the updated height/setback chart reflecting direction from the last meeting. The setbacks for R-1-10 and R-1-22 match except that in the R-1-22 the height can be increased an additional five feet from 25 ft to 30 ft. With regard to reducing the minimum setback from 6 ft to 3 ft with fire-rated walls, commissioners concurred that it would only apply in the R-1-10 and R-1-22. The new minimum side setback of 10 feet in the A-1 cannot be reduced.

Commissioner Comments:

Corey Sweat stated the changes are good but still has some concerns with A-1.

Alan Malan stated the R-1-10 and R-1-22 are too steep with the elevations and the A-1 is off. However, he is supportive of the proposal. He suggested adding "side" to setback in the chart.

Laura Charchenko said that she has talked with developers and they are opposed to putting stricter height regulations in the A-1 area.

Mike Cottle and Dee Vest are supportive of the proposed chart.

There was discussion about how to measure height. As previously decided, measurements will begin at the top of curb, or crown of road if no curb, to the highest point of the roof. City code requires that the lowest finished floor be at least 12 inches above top of curb and oftentimes structures are raised with additional fill dirt to accommodate utilities, drainage, and raised basements. The location on top back of curb or crown of road used to measure elevation will be at a spot directly out from the middle of the front side of the structure to the street curb or crown. Staff asked how the additional height discussed at the last meeting to deal with these issues will be determined by the city engineer. They will attempt to come up with clear standards.

Staff will clean up the document and set a public hearing.

7. Discuss Permitted, Conditional and Prohibited Uses in Residential, Commercial, and Industrial Zones.

Commissioner packets included a memorandum dated March 5, 2021 from staff regarding Discussion of Proposed Updates to Permitted and Conditional Uses with an attached redline copy of the ordinance with suggested changes.

Cathy Brightwell reviewed with the Commission changes and suggestions for Uses in the residential and industrial zones based on direction from the last meeting.

Discussion:

A-1 - Remove “commercial use” from Equestrian facilities and stables. Some discussion took place regarding the use of boarding horses. It was pointed out the language “commercial” invites a use that we do not want to entertain.

Commercial Neighborhood – Check with Mr. Doxey to see if there is a better term for “toxic waste disposal facility” in this all other commercial and industrial zones.

Commercial General – Some discussion took place regarding “auto body repair” and the desire to list it as a prohibited use. Chairman Hopkinson pointed out that auto body is not the same as automotive repair. It was suggested that it also be listed as a prohibited use in the CN zone. Cathy Brightwell explained that it was not included in CN as there are no automotive businesses permitted in that zone and it is not a business that is similar in nature to any others listed in that section.

Industrial General - It was suggested that A. Outdoor storage of merchandise or equipment and C. Storage of inflammable bulk liquids be moved up to permitted uses.

Staff will provide a clean copy of the document and schedule a public hearing.

8. Staff Report

Kris Nilsen:

- City pickle ball courts will start to be constructed next week.
- Beverly Estates will be providing a mylar plat for recording soon.
- Doug Coons is still working on his 3-lot subdivision, and the stumps are being removed from his property on 800 West.
- Mr. Malan asked about a new home on 800 West north of Pages Lane and what was required for overhead power and public improvements. Kris said they have a deferral agreement in place.

Cathy Brightwell:

- The legislature passed bills that will impact us. She will have more information at future meetings.

9. Consider Meeting Minutes from February 23, 2021

Action Taken:

Mike Cottle moved to approve of the minutes of the February 23, 2021 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

10. Adjourn

Action Taken:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:53 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 23, 2021, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

