

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, 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.

MEMORANDUM



TO: Planning Commission

DATE: March 5, 2020

FROM: Cathy Brightwell

RE: Accessory Dwelling Unit – 126 Steelman Circle, Highgate Lot 16

A building permit has been issued for the Dalanhese home on Lot 16 in Highgate Estates. The house 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 and listed below.

- A. **Location.** An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-occupied single-family dwelling. *This condition is satisfied.*
- B. **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. *This condition is satisfied.*
- C. **Parking.** Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers. *This condition is satisfied.*
- D. **Utility Metering.** No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- E. **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. The proposed ADU is 1079 sf (9% of total home square footage). *This condition is satisfied.*
- F. **Construction Codes.** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit or other permits as the codes may require. *This condition will be satisfied as the house is constructed and inspected.*
- G. **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 scattered placement of garage doors, carports, or number or location of outside entries or porches. *This condition is satisfied.*
- H. **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 single-family dwelling be rented as separate units. *This condition can be satisfied.*

Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title.

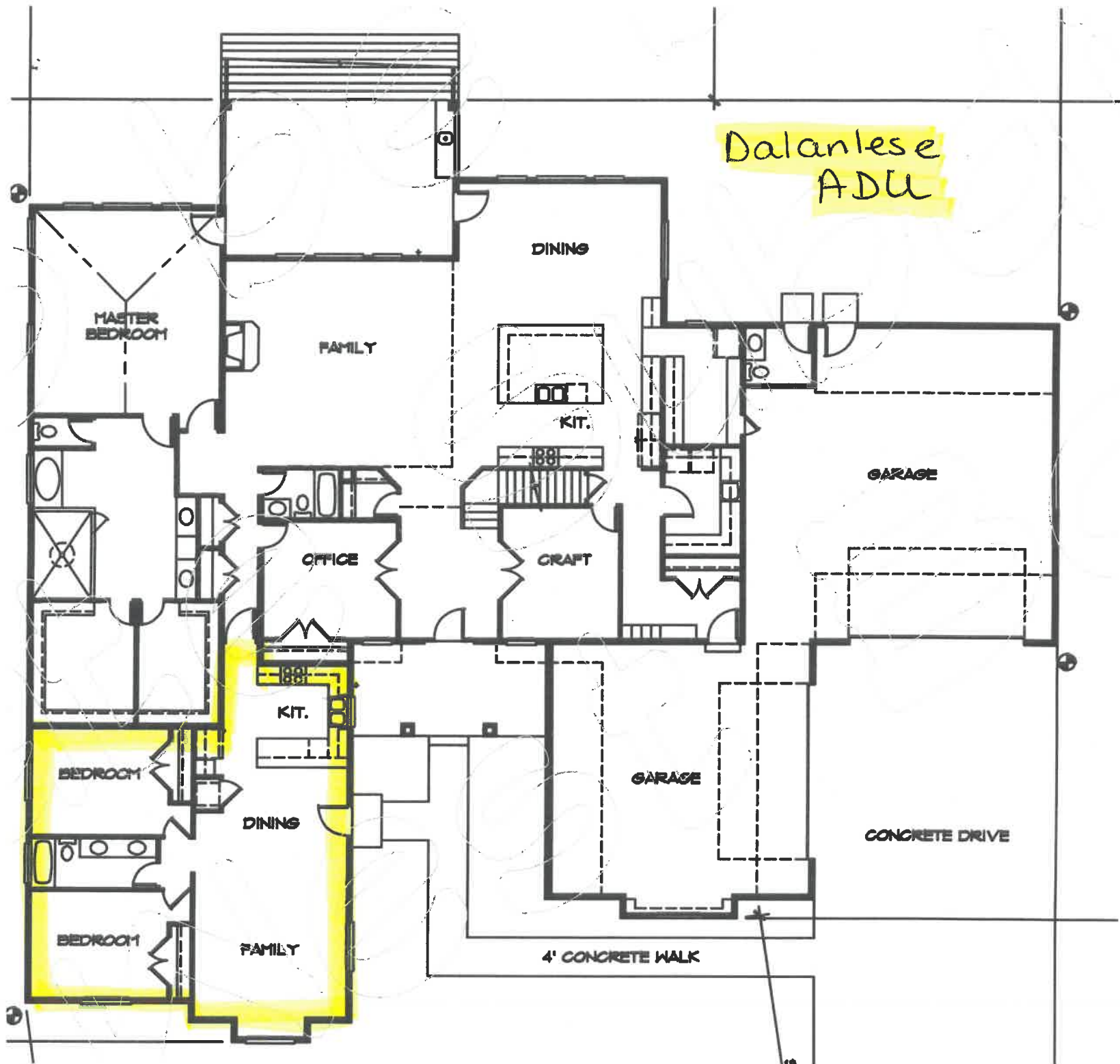
Staff recommends the following Findings of Fact and Conditions be applied to this conditional use permit.

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 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.

Conditions:

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.
4. The applicant will execute the Conditional Use permit and ADU agreement which will be recorded in the County Recorder's office.



MEMORANDUM



TO: Planning Commission

DATE: March 9, 2021

FROM: Kris Nilsen

RE: West Bountiful City Conditional Use Permit
400 North Well Site (approximately 750 west)

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 plans for expansion of 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.

The site improvements will consist of 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.

In considering the proposed application and the health, safety and welfare of the community, staff has identified the following criteria that should be noted.

1. Drainage: Storm drainage should not negatively impact surrounding properties. Mitigation: The site will be graded to continue to drain to the public street and storm drain. New storm drainpipe, inlets and junction boxes will be installed to serve the discharge from the well that does not enter the culinary water system.

2. Noise: Noise should be kept to the levels of those emitted by local traffic and from typical residential properties. Mitigation: Noise from the site when the pump is running will be masked by the block wall construction, adjacent vehicle traffic and nearby train and I-15 traffic. Also, potential noise impact is reduced because the site is located between two public streets and not directly adjacent to a resident home.
3. Odors: Chemical odors from the treatment of water should be controlled and not permitted to leave the property. Mitigation: No odors are expected from the normal operation of the facility.
4. Light: Security and site lighting should not negatively impact neighboring properties. Mitigation: Any proposed lighting is to be “down lighting” and be restricted to the fenced area.
5. Traffic: Traffic kept to residential standards. Mitigation: No employees will be stationed at this location. Maintenance staff will periodically visit the site.

The Conditional Use ordinance, Section 17.60.040, requires the planning commission to consider the following:

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.

Recommended 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

The following uses are conditional in the R-1-10 Residential district:

A. Public or Quasi-public uses:

17.24.100 Fence Requirements

1. Fences and walls may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.

2. Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback. Within any front yard setback, no fence, wall or hedge may exceed two (2) feet in height within three (3) feet of any street right of way or sidewalk (whichever is closer to the primary building on the lot).
3. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
4. Clear view of intersecting streets. In all districts which require a front yard no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except pedestal type identification signs and a reasonable number of trees pruned so as to permit unobstructed vision of traffic.

VIADUCT MUNICIPAL WELL

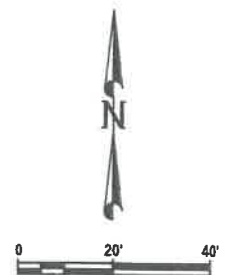
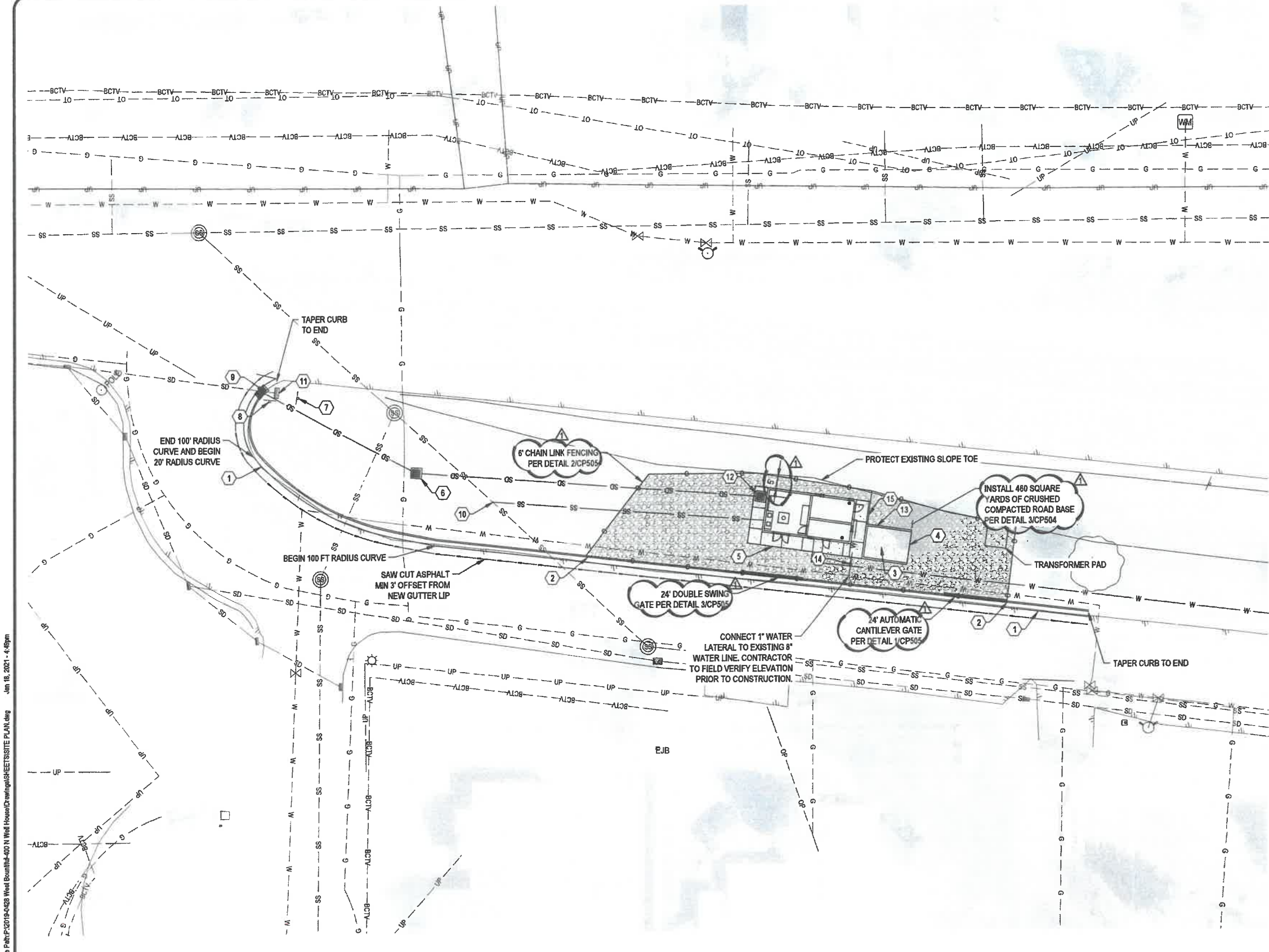
750 WEST 400 NORTH



WEST BOUNTIFUL CITY

550 North 800 West
West Bountiful, UT 84087
Office: 801.292.4486 Fax: 801.292.6355
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LEGEND

- SS EX SANITARY SEWER LINE
- SD EX STORM DRAIN LINE
- W EX CULINARY WATER LINE
- IRR EX IRRIGATION LINE
- G EX GAS LINE
- OP EX OVERHEAD POWER LINE
- UP EX UNDERGROUND POWER LINE
- UT EX UNDERGROUND TELEPHONE LINE
- OT EX OVERHEAD TELEPHONE LINE
- FO EX FIBER OPTIC LINE
- BCTV EX BURIED CABLE TV LINE
- EX MAJOR CONTOUR
- EX MINOR CONTOUR
- EX TREE
- EX SANITARY SEWER MANHOLE
- EX STORM DRAIN MANHOLE
- EX FIRE HYDRANT
- EX WATER VALVE

SITE KEYED NOTES

- INSTALL NEW 30" CURB AND GUTTER PER 5/CP503
- BEGIN FLARED APPROACH SEE DETAIL 6/CP503
- 15" THICK CONCRETE GENERATOR PAD WITH #5 AT 12" O.C. EACH WAY OVER COMPACTED GRANULAR FILL
- DOUBLE SWING GATE PER DETAIL 2/CP504
- SIDEWALK PER DETAIL 4/CP503
- STORM DRAIN JUNCTION BOX PER DETAIL 2/CP501
- SALVAGE AND REINSTALL EXISTING STREET SIGN
- SALVAGE AND REINSTALL EXISTING STOP SIGN
- STORM DRAIN CURB INLET BOX PER DETAIL 1/CP504
- CONNECT TO EXISTING SEWER LINE PER SOUTH DAVIS SEWER DISTRICT STANDARD SPECIFICATIONS AND INSTALL CLEANOUT PER DETAIL 1/CP501
- REMOVE EXISTING STORM DRAIN INLET
- BLOW OFF DISCHARGE BOX PER DETAIL 3/CP501
- 6" MASONRY WALL PER DETAIL 3/SS01 WITH CONCRETE CAP SEE DETAIL 6/SS01
- 1" WATER METER PER DETAIL 4/CP504
- 6" CURB WALL PER DETAIL 5/CP504

DATE	DESCRIPTION
16 JAN 2021	ADDENDUM 1

IF THE ABOVE SCALE BAR DOES NOT MEASURE 1-INCH IN LENGTH, DO NOT USE THIS DRAWING FOR SCALING PURPOSES. DIMENSIONS AND MEASUREMENTS SPECIFIED IN THE DRAWING TAKE PRECEDENCE TO SCALED MEASUREMENTS.

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DESIGNED BY: M. HIRST, PE
CHECKED BY: M. CHANDLER, PE, PG
IN CHARGE: J. PRETTYMAN, PE
DRAWN BY: G. RICH
DATE: AS SHOWN
DATE: AUGUST 2020

CRS

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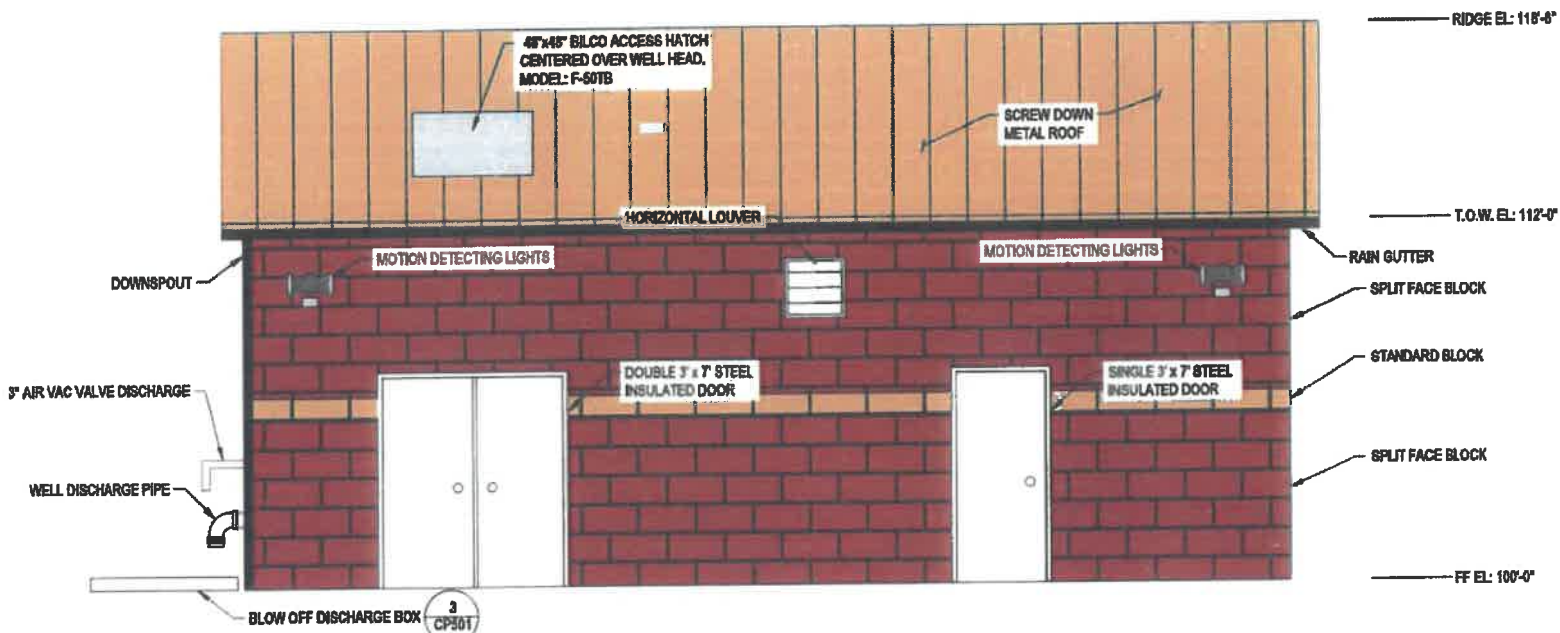
WEST BOUNTIFUL CITY
400 NORTH WELL HOUSE
SITE PLAN

750 WEST 400 NORTH

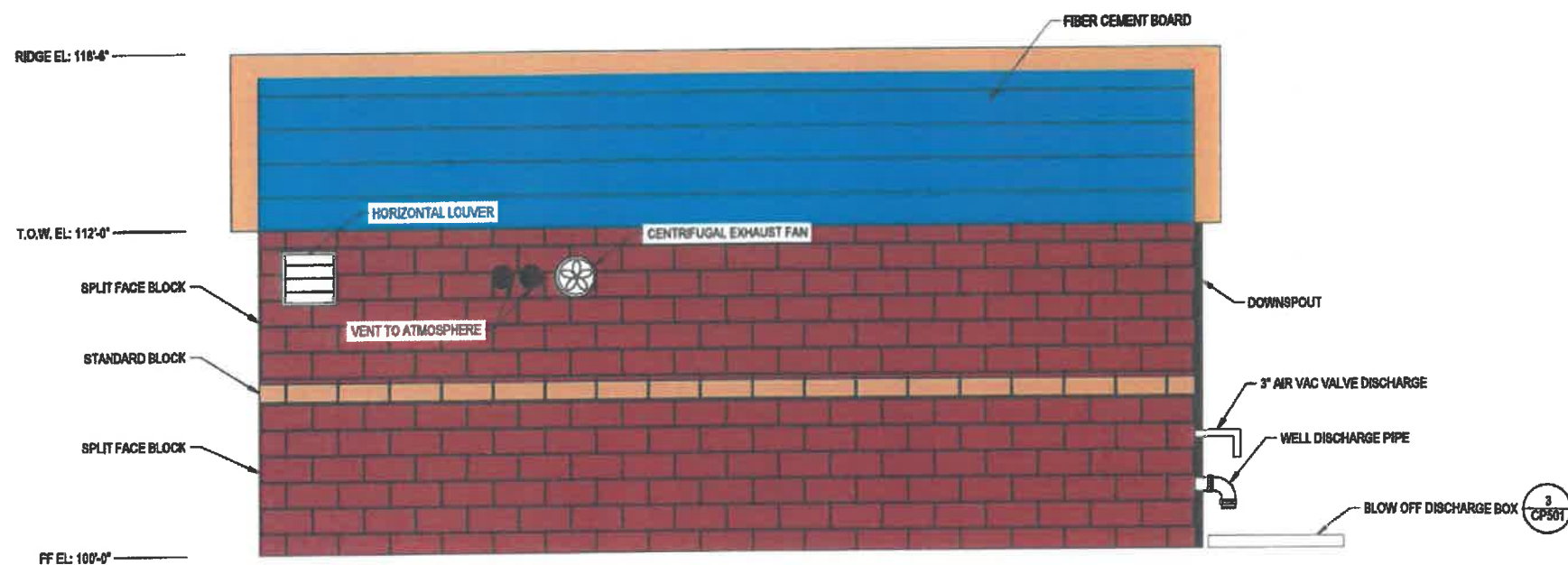
WEST BOUNTIFUL, UT 84087

PROFESSIONAL ENGINEER
EDWARD M. CHANDLER
061842487-2202
06/18/2020
STATE OF UTAH

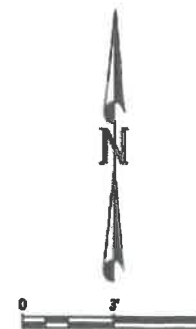
2019-0428
4
52
CP101



1 SOUTH ELEVATION
SCALE: 1" = 3'



2 NORTH ELEVATION
SCALE: 1" = 3'



File Path: P:\2019-0428 West Bountiful-400 N Well House\Drawings\BUILDING ELEVATIONS.dwg
Jan 18, 2021 - 4:52pm

NO.	DATE	DESCRIPTION

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DESIGNED BY
M. HURST, PE

CHECKED BY
M. CHANDLER, PE, PS

PROJECT MANAGER
J. PRETTYMAN, PE

DATE
AUGUST 2020

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WEST BOUNTIFUL CITY
400 NORTH WELL HOUSE
BUILDING ELEVATIONS

750 WEST 400 NORTH
WEST BOUNTIFUL, UT 84007

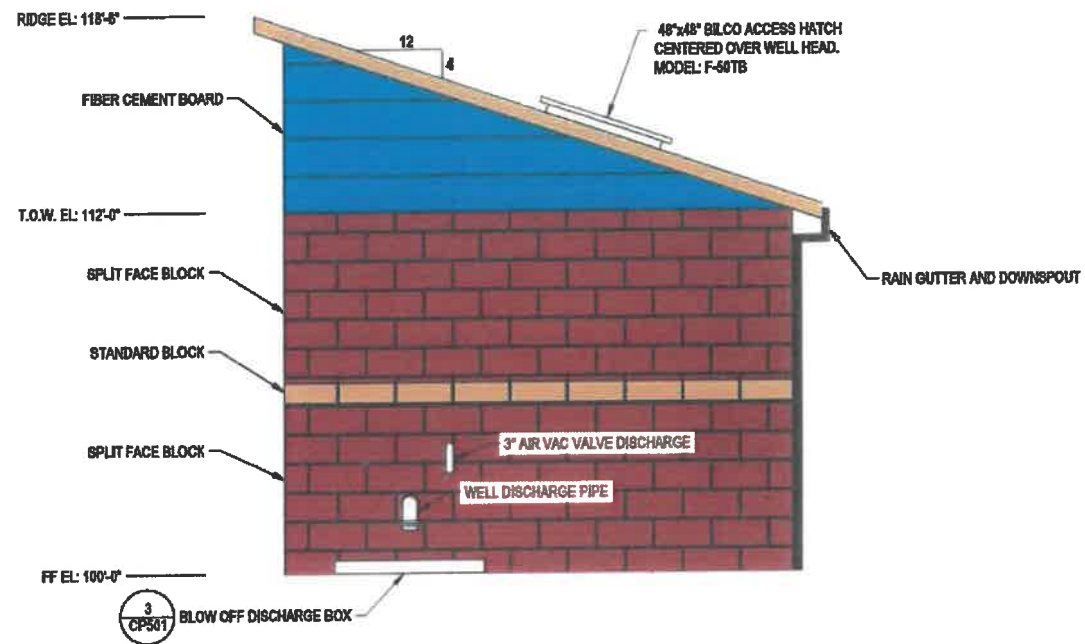


PROJECT NUMBER
2019-0428

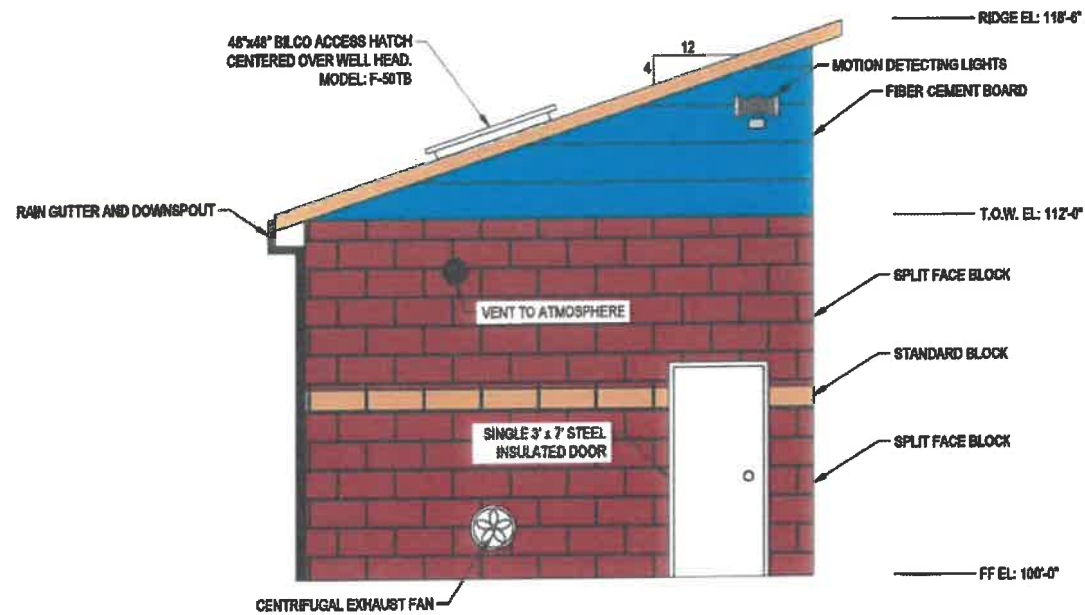
SHEET
20 OF 52

DRAWING NUMBER
A201

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Jan 18, 2021 4:52pm



1 **WEST ELEVATION**
A202 / SCALE: 1" = 3'



2 **EAST ELEVATION**
A202 / SCALE: 1" = 3'

NO.	REVISIONS

IF THE ABOVE SCALE BAR DOES NOT MEASURE 1-INCH IN LENGTH, DO NOT USE THIS DRAWING FOR SCALING PURPOSES. DIMENSIONS AND MEASUREMENTS SPECIFIED IN THE DRAWING TAKE PRECEDENCE TO SCALED MEASUREMENTS.

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DESIGNED BY
M. HIRST, PE
PROJECT MANAGER
M. CHANDLER, PE, PG
CHECKED BY
J. PRETTYMAN, PE
IN CHARGE
G. RICH
DATE
AS SHOWN
REVISIONS
AUGUST 2020

C

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WEST BOUNTIFUL CITY

400 NORTH WELL HOUSE

BUILDING ELEVATIONS

750 WEST 400 NORTH

WEST BOUNTIFUL, UT 84067



PROJECT NUMBER	2019-0428
SHEET	21
TOTAL SHEETS	52
SHEET NAME	A202

MEMORANDUM



TO: Planning Commission

DATE: March 5, 2021

FROM: Staff

RE: Review of Height Regulations in Residential Zones

BACKGROUND

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.

OBJECTIVES

1. Re-evaluate minimum and maximum heights for both primary structures and accessory structures in each of the three residential zones.
2. Improve or replace the sliding scale with clear standards.
3. Determine consistent measurement points for uniformly determining the height of structures. Current code says it is measured from the *lowest finished ground level* which is not always clear.

DISCUSSION/RECOMMENDATIONS

- Current height levels, especially in the A-1, are appropriate. It was stated that just because a new building has caused concern in the area does not mean the height regulations that have been in place for many years should be changed. Increasing setbacks will fix the problem. Recommend minimum side setbacks for accessory and non-commercial structures increase from 6 ft. to 10 ft. Additional height, to the existing 40 ft maximum, will be allowed with larger setbacks as shown on the attached chart.
- Change R-1-10 to match other zones by using 1 ft (rather than 2 ft.) increases in setbacks when adding height to get to the existing 25 ft. maximum.
- Clarify that the minimum setbacks for calculating additional height for accessory structures is based on the standard setback of 6 ft (10 ft in A-1), not the reduced setback for fire-rated construction of 3 feet.
- In order to have a consistent base measurement point for determining building height, measurements will be calculated from top back of curb, or crown of road if no curb, to the highest point of the roof.
- City code requires structures to 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. Recommend: Based on lot-specific determinations by the city engineer, additional height can be added as follows: maximum of 2 ft in the R-1-10 zone, 3 ft. in the R-1-22 zone, and 4 ft. in the A-1 zone.
- 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.

The above recommendations are provided for additional discussion and review. Specific language will be drafted for the municipal code once recommendations are finalized.

HEIGHT/SETBACKS IN RESIDENTIAL DISTRICTS

R-1-10

Main Structure maximum height = 35 ft.

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

Height		<u>Current Side/ Rear Setback</u>	<u>Proposed Side/ Rear Setback</u>
	≤ 20 ft	6 ft*	6 ft*
› 20 ft	≤ 21 ft	8 ft	7 ft
› 21 ft	≤ 22 ft	10 ft	8 ft
› 22 ft	≤ 23 ft	12 ft	9 ft
› 23 ft	≤ 24 ft	14 ft	10 ft
› 24 ft	≤ 25 ft	16 ft	11 ft

R-1-22

Main Structure maximum height = 35 ft.

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

Height		<u>Current Side/ Rear Setback</u>	<u>Proposed Side/ Rear Setback</u>
	≤ 20 ft	6 ft*	6 ft*
› 20 ft	≤ 21 ft	7 ft	7 ft
› 21 ft	≤ 22 ft	8 ft	8 ft
› 22 ft	≤ 23 ft	9 ft	9 ft
› 23 ft	≤ 24 ft	10 ft	10 ft
› 24 ft	≤ 25 ft	11 ft	11 ft
› 25 ft	≤ 26 ft	12 ft	11.5 ft
› 26 ft	≤ 27 ft	13 ft	12 ft
› 27 ft	≤ 28 ft	14 ft	12.5 ft
› 28 ft	≤ 29 ft	15 ft	13 ft
› 29 ft	≤ 30 ft	16 ft	13.5 ft

A-1

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

Accessory, Non-Commercial				Main Structure	
Height		<u>Current Side/ Rear Setback</u>	<u>Proposed Side/ Rear Setback</u>	<u>Min.Setback</u>	<u>Combined</u>
	≤ 35 ft	6 ft*	10**	10 ft	24 ft
› 35 ft	≤ 36 ft	7 ft	11 ft	11 ft	26 ft
› 36 ft	≤ 37 ft	8 ft	12 ft	12 ft	28 ft
› 37 ft	≤ 38 ft	9 ft	13 ft	13 ft	30 ft
› 38 ft	≤ 39 ft	10 ft	14 ft	14 ft	32 ft
› 39 ft	≤ 40 ft	11 ft	15 ft	15 ft	34 ft

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

** can reduce to 6 ft if structure is built to fire code standards

3/5/2021

MEMORANDUM



TO: Planning Commission

DATE: March 5, 2021

FROM: Staff

RE: Discussion of Proposed Updates to Permitted and Conditional Uses

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 continue its review, provide information for the other zones, and make suggestions for further discussion. (See attached)

PERMITTED, CONDITIONAL, PROHIBITED USES

Red – new

Highlight – discuss

Italics – moved from another section

~~Strike-through~~ – delete/move to another section

R-1-10

17.24.020 Permitted Uses

- A. Single family dwelling;
- B. *Accessory dwelling unit (ADU)* – attached to primary structure;
- C. Agricultural^a;
- D. Farm animals;
- E. *Flag lots*; and
- F. Home occupations.

17.24.030 Conditional Uses

- A. Child day care, nursery or **preschool** (pursuant to Chapter 5.28 Home Occupations);
- B. Public, quasi-public uses; and
- C. Restricted lots, (see Definitions in Section 17.04.030).
- ~~D. Accessory Dwelling Units (ADU)~~
- ~~E. Flag lots~~

R-1-22

17.20.020 Permitted Uses)

- A. Single family dwelling;
- B. *Accessory dwelling unit (ADU)* – attached to primary structure;
- C. Agricultural^a;
- D. Farm animals;
- E. *Flag lots*; and
- F. Home occupations.

17.20.030 Conditional Uses

- A. Child day care, nursery or **preschool** (pursuant to Chapter 5.28 Home Occupations);
 - B. Public, quasi-public uses; and
 - C. Restricted lots, (see Definitions in Section 17.04.030).
 - ~~D. Accessory Dwelling Units (ADU); and~~
 - ~~E. Flag lot;~~
-

A-1

17.16.020 Permitted Uses

- A. Single-family dwelling;
- B. *Accessory dwelling units (ADU) – attached to primary structure;*
- C. Agricultural;
- D. Farm animals;
- E. *Flag lots;*
- F. Home Occupations;
- G. *Flag lots; and*
- H. Non-commercial structures.

17.16.030 Conditional Uses

- A. Child day care, nursery, or **preschool** (pursuant to Chapter 5.28 Home Occupations);
- B. Equestrian facilities, ~~commercial~~ stables **for commercial use**;
- C. Kennels (pursuant to Chapter 5.28 Home Occupations)
- D. Public or quasi-public uses;
- E. Restricted lots (see definitions in Section 17.04.030);
- ~~F. Flag lots;~~
- ~~G. Accessory Dwelling Units (ADU).~~

CN - Commercial Neighborhood (640 W north of Porter Ln)

17.28.020 Permitted Uses

- A. Appliance and small equipment repair;
- B. *Banking and financial services*;
- C. *Contractor: general, electrical, mechanical, plumbing, etc.*
- D. Convenience store, less than two thousand (2,000) square feet;
- ~~E. Carpet cleaning;~~
- F. Dry cleaning pickup station;
- G. General merchandise sales (retail and wholesale) less than two thousand (2,000) sq ft;
- H. Lawn and yard care;
- I. Learning studios such as **tutoring**, karate, dance, gymnastics, **preschool**;
- ~~J. Medical cannabis pharmacy, as defined in Chapter 17.62.~~
- K. Offices, business or professional;
- L. Personal services;
- M. **Pharmacy**, Drug store, *including Medical Cannabis Pharmacy, as defined in Chapter 17.62*;
- N. *Printing and publishing*
- O. Public and quasi-public institutions uses;
- ~~P. Real estate and/or insurance offices;~~
- ~~Q. Computers, software and hardware, sales and service;~~
- ~~R. Ceramic business;~~
- S. **Seamstress, tailor**, *including shoe repair*;
- T. *Sheet metal*
- U. *Wood working, as approved by fire marshal*

17.28.030 Conditional Uses

- ~~A. Banking and financial services;~~
- ~~B. Custom woodworking (as approved by fire marshal)~~
- ~~C. Sheet metal;~~
- ~~D. Printing and publishing;~~
- ~~E. Silkscreening;~~
- ~~F. Reception center, meeting hall;~~
- ~~G. Restaurants, cafeterias and fast food eating establishments;~~
- H. Residential healthcare facility; and
- I. 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

- A. Cannabis production establishment, as defined in Chapter 17.62.
- B. Car Wash**
- C. Gas Station**
- ~~D. Reception center, meeting hall;~~
- ~~E. Restaurants, cafeterias and fast food eating establishments;~~
- F. Retail tobacco specialty business;
- G. Retail e-cigarette specialty business;
- H. Sexually oriented businesses; and
- I. **Toxic waste disposal facility.**

CG – Commercial General – (500 S to I-15 on-ramp (1000 N) between 500 W and I-15 plus a small section on 500 S between I-15 and near train tracks)

17.32.020 Permitted Uses

- A. Appliance and small equipment repair;
- B. Banking and financial services;
- C. *Commercial schools, Learning studios*
- D. Convenience store, **car wash, gas station;**
- E. **Dining Club, Tavern as defined in UCA 32B-1-102**
- F. Drug store, **Pharmacy, including Medical Cannabis Pharmacy, as defined in Chapter 17.62;**
- G. Dry cleaning;
- H. General merchandise sales **and service;**
- I. *Grocery store;*
- J. *Lumber and other building material retail sales;*
- K. *Marine, **RV, Motorcycle**, and aircraft retail sales and service ~~and accessories;~~*
- L. Motor vehicle sales and service; (~~excluding auto body repair~~)
- M. **Non-motorized recreation, pool, gymnasium**
- N. Offices, business and professional;
- O. Personal services;
- P. **Public and quasi-public institutions;**
- Q. *Reception center, meeting hall;*
- R. Restaurants, cafeterias, and fast food eating establishments;
- S. **Seamstress, tailor, upholstery,** shoe repair;
- T. **State Liquor Store;** and
- U. *Theaters, **indoor recreational facilities;***
- V. ~~Medical cannabis pharmacy, as defined in Chapter 17.62.~~

17.32.030 Conditional Uses

- A. Residential health care facility;
- ~~B. Reception center, meeting hall;~~
- ~~C. Grocery store;~~
- ~~D. Lumber and other building material, retail sales;~~
- ~~E. Marine, and aircraft retail sales and accessories;~~
- ~~F. Theaters;~~
- ~~G. Commercial schools;~~
- H. **Hospitals and medical service facilities;**
- I. **Hotel, Motel and extended stay facilities; and**
- J. 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

- A. **Auto body repair;**
- B. Cannabis production establishment, as defined in Chapter 17.62
- C. Retail e-cigarette specialty business;
- D. Retail tobacco specialty business;
- E. Sexually oriented businesses; and
- F. **Toxic waste disposal facility.**

CH – Commercial Highway – (500 South generally from train tracks to 1116 West)

17.34.020 Permitted Uses

- A. Appliance and small equipment repair;
- B. **Banking and financial services;**
- C. Convenience store, *including car wash, gas station;*
- D. Contractor offices, ~~including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping;~~
- E. Custom woodworking *(as approved by the fire marshal);*
- F. **Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping;**
- G. **Dining Club, Tavern as defined in UCA 32B-1-102**
- H. Equipment sales, service and/or repair, including outdoor repair and welding;
- I. General merchandise sales;
- J. Indoor fabrication, machining or welding of materials or equipment ~~not for resale;~~
- K. **Indoor recreational facilities;**
- L. Indoor storage units;
- M. **Laboratory;**
- N. Lawn and yard care;
- O. ~~Liquor, retail, package store;~~
- P. ~~Drinking places with alcoholic beverages;~~
- Q. Lumber and other building materials retail sales Marine, RV, motorcycle, and aircraft retail sales and service ~~accessories;~~
- R. Medical cannabis pharmacy, as defined in Chapter 17.62.,
- S. Motor vehicle sales and service, including marine, **RV, motorcycle** and aircraft ~~(excluding auto body repair) and outdoor storage of retail vehicle inventory;~~
- T. Motor vehicle, marine, and RV warehousing and storage
- U. Offices, business and professional;
- V. **Pawnshop;**
- W. Printing and publishing;
- X. ~~Silk screening;~~
- Y. **Public and quasi-public facilities not prohibited in Section 17.34.040;**
- Z. Reception center, meeting hall;
- AA. **State Liquor Store;** and
- BB. Upholstery.

17.34.030 Conditional Uses

- ~~A. Motor vehicle sales and service (excluding auto body repair) and outdoor storage of retail vehicle inventory;~~
- ~~B. Reception center, meeting hall;~~
- ~~C. Marine and aircraft retail sales and accessories;~~
- ~~D. Laboratory;~~
- ~~E. Lumber and other building materials retail sales;~~
- ~~F. Custom woodworking (as approved by the fire marshal);~~
- ~~G. Car wash as ancillary to a convenience store;~~
- ~~H. General merchandise sales;~~
- ~~I. Indoor fabrication, machining or welding of materials or equipment not for resale;~~
- ~~J. Equipment sales, service and/or repair, including outdoor repair and welding;~~

- K. Outdoor storage of equipment, landscaping materials and seasonal inventory incidental to an approved permitted or conditional use;
- L. Retail e-cigarette specialty businesses;
- M. Warehousing, as a primary use, unless prohibited in Section 17.34.040; and
- N. 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

- A. Auto body Repair;
 - B. Cannabis production establishment, as defined in Chapter 17.62.
 - C. Correctional facilities or facilities with similar uses;
 - ~~D. Motor vehicle warehousing, salvage, or outdoor storage (whether indoor or outdoor)~~
 - E. Parts/*salvage yards*;
 - F. Recycling centers/recycling collection areas;
 - G. 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;
 - H. Residential dwelling units;
 - I. Retail tobacco specialty businesses;
 - ~~J. *Salvage yards*;~~
 - K. Schools and churches;
 - L. Sexually oriented businesses;
 - M. Storage of petrochemicals, not for retail sales;
 - N. Single retail unit space over seventy-five thousand (75,000) square feet; and
 - O. **Toxic waste disposal facility.**
-

LI – Light Industrial (Behind Comm. Neighborhood zone Porter/640 W & N of Woodhaven)

17.36.020 Permitted Uses

- A. Appliance and small equipment repair; ~~including shoe repair;~~
- B. *Cannabis production establishment, as defined in Chapter 17.62;*
- C. Equipment sales, service and repair;
- D. *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. *Apparel and other textile products*
 - 2. *Automotive parts and accessories, but not including tires and batteries;*
 - 3. *Electronic and electrical products*
 - 4. *Lumber and wood products;*
 - 5. *Paper and allied products;*
 - 6. *Rubber and plastic products; and*
 - 7. *Steel structural members and related products;*
- E. Medical cannabis pharmacy, as defined in Chapter 17.62.
- F. Offices, business and professional;
- G. Printing and publishing;
- H. Public and quasi-public institutions;
- I. Research and development;
- J. Retail commercial uses;
- K. Sexually oriented businesses; and
- L. Warehousing and storage facilities.

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

- A. Retail tobacco specialty businesses;
- B. Retail e-cigarette specialty businesses; and.
- C. **Toxic waste disposal facility.**

IG – Industrial General (Holly Frontier)

17.40.020 Permitted Uses

- A. Cannabis production establishment, as defined in Chapter 17.62.
- B. Equipment sales, service and repair;
- C. 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.
- D. Medical cannabis pharmacy, as defined in Chapter 17.62;
- E. Offices, business and professional;
- F. Printing and publishing;
- G. Public and quasi-public institutions;
- H. Research and development; and
- I. Warehousing and storage facilities.

17.40.030 Conditional Uses

- A. Outdoor storage of merchandise or equipment;
- B. Retail e-cigarette specialty businesses;
- C. Storage of inflammable bulk liquids;and
- D. 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

- A. *Residential dwelling units*;
- B. Retail tobacco specialty businesses;
- C. Sexually oriented businesses; and.
- D. **Toxic waste disposal facility.**

**West Bountiful City
Planning Commission Meeting**

February 23, 2021

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 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 WBM 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 foot 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.

3. 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.

4. 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.

5. 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.*

6. 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.*

*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