

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
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WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
Corey Sweat
Dennis Vest

AMENDED AGENDA

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, MAY 11, 2021 AT THE CITY OFFICES**

This meeting will be held in-person

1. Prayer/Thought by Commissioner Charchenko.
2. Accept Agenda.
3. Updated Concept Plan for Brookside Ranch PUD.
4. Discuss Modifications to WBMC 17.82, Accessory Dwelling Units and Set Public Hearing.
5. Staff report.
6. Consider Meeting Minutes from April 13, 2021.
7. Adjourn.

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on May 10, 2021 by Cathy Brightwell, City Recorder.

West Bountiful City**May 11, 2021****Planning Commission Meeting**

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on May 10, 2021.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 11, 2021 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS: Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko, and Council member Kelly Enquist.

STAFF: Kris Nilsen (City Engineer), Cathy Brightwell (Community Development), Steve Doxey (City Attorney), and Debbie McKean (Secretary)

VISITORS: John Janson, Jake Young, Buster Hafen, Scott Parkin, Walter Plumb, John Bankhead

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

1. Prayer by Commissioner Charchenko**2. Accept Agenda**

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

3. Update Concept Plan for Brookside Ranch PUD

Commissioner packets included a memorandum dated May 10, 2021 from Staff regarding an updated PUD application and site plan for Brookside Ranch from Gardner-Plumb, LLC.

The developers of Brookside Ranch initially applied for a Planned Unit Development (PUD) on March 22, 2021 for their property at the west end of 400 North consisting of 126 acres. The application was presented at the planning commission's March 23 meeting which included discussion on lot size, open space, access, and amenities.

Staff provided a letter to the developer requesting they provide items required by the PUD ordinance, WBMC 17.68, for a complete application and other items that would be helpful for the city's review of the rezone request.

John Bankhead, representing the applicant, summarized the proposal. He reviewed the base density drawing that shows 105 1-acre lots. They are requesting the maximum twenty percent bonus which increases the total number of lots to 126.

Mr. Bankhead noted that lot size was a big issue in the last meeting. He pointed out that their proposal includes a diversity in lot sizes which range from .5 acre to 3+ acres as encouraged by WBMC 17.68.010. The lots on the eastern border will be at least 1 acre to act as a buffer to neighboring properties. He added that they will have heightened design standards that will enable the project to consistently hold its value over time, and CCR's will be crafted to provide further assurance that the development's design includes and maintains amenities, housing designs, and streetscapes that are reflective of a rural community.

The developer will also work with UDOT to deed 10 acres of open space to West Bountiful City and will contribute \$500,000 towards the construction of a city park on the UDOT property. The park will be designed, owned and maintained by West Bountiful City to ensure that it effectively meets the city's vision and standards. Additionally, improvements will be made to the existing trail system and the Rocky Mtn Power corridor for pedestrian and equestrian use and will be maintained by the Brookside Ranch HOA.

Mr. Bankhead reiterated that they feel they have met the criteria required for the PUD and bonus density and believe the proposal provides benefits to the city.

Commissioner Comments:

Mike Cottle likes the base density plan provided in the packet. He inquired about HOA fees. Developer said it is too early to know but he feels they would likely be under \$100.

Corey Sweat believes that the power corridor should not be considered when calculating bonus density. He noted that some of the open spaces may not be such a benefit to city and would like to see more details regarding the smaller areas of open space to ensure the city is not stuck with caring for these small spaces. Mr. Bankhead pointed out that this could be handled by using a larger space for the city park and smaller spaces could be used for pickle ball or such things that would not create large amounts of traffic.

Commissioner Sweat asked how the HOA would maintain the trails. He is concerned that over time the city would get stuck with the maintenance. Mr. Bankhead responded that it would be through a long-term agreement between the developer and Rocky Mtn Power. He views it as a low maintenance type trail system with some benches.

He inquired about the UDOT property proposed for the city park and asked if agreements had been processed. Mr. Bankhead responded that they have submitted their proposal.

Commissioner Sweat said he thinks they are on the right track and with some tweaking, a nice development could be created.

Laura Charchenko is concerned about the city maintaining another park and the cost it will be to the city without any monetary return. Also concerned with the mosquito population and how the park will affect 1200 North traffic, along with parking issues. She likes the concept as

presented but is uncertain whether using the RMP corridor is fair to include in the property counted for bonus density.

Mr. Bankhead commented that the city has indicated they want a west side park and prefers to maintain it themselves. He added that they are open to suggestions for the open space development plan.

Dee Vest believes they are headed in the right direction, but he emphasized that neighboring homeowners still want one acre lots to be adhered to.

He prefers the larger park instead of small pocket parks. He inquired about the north east open space on the diagram. Mr. Bankhead explained that the east side open space is a place holder for a road and a portion of it is owned by the city.

Commissioner Vest asked why they are asking for 126 lots when it is clear they could have 105. Mr. Bankhead said they believe having a larger number of slightly smaller lots will provide more opportunities to home-buyers during this housing shortage that has resulted in significant increases in price. He added that the development will be top class and an asset to the city especially with the amenities they are proposing.

As a resident on 1200 North, he is also concerned about the traffic on his street which is poorly maintained and would need some major overhauls.

Council member Kelly Enquist supports the direction the developer is going. He believes 1200 North would need to be addressed.

Alan Malan also believes the developer is moving in the right direction. He likes the larger park idea. Feels the trails need to lead to somewhere and not dead-end in the development and suggested a possible drinking fountain could be incorporated on the trail or at the park.

On the southeast corner he thinks the open space is useless wasted space. Mr. Bankhead said that they will investigate what could be done in that area.

Cathy Brightwell said staff will continue to work with the applicant to obtain more information and to address the comments of the Commission.

4. Discuss Modification to WBMLC 17.82, Accessory Dwelling Units and Set Public Hearing

Included in the commissioner's packet was a memorandum from Staff dated May 7, 2021 regarding proposed updates to Accessory Dwelling Unit (ADU) regulations. These issues have been discussed with the planning commission since last fall when consultant planners, John Janson and Jake Young, proposed updates to comply with new state code and clarify standards needed as ADU's are proposed to no longer be a conditional use.

During the 2021 legislative session, SB 82 was passed which modified portions of single-family housing law dealing with ADUs. It requires cities to classify internal ADUs as a permitted land use; eliminates "unrelated" in single family definition referring to whom the ADU can be rented; prohibits many restrictions including size and lot area; and makes changes to the

International Residential Code to make it easier to convert/establish internal ADUs in existing homes. The new law applies to “internal” ADUs which are defined as being created within a primary dwelling or within the footprint of the primary dwelling.

A joint meeting with city council was held last month to discuss the new legislation and consider policy changes such as expanding the current ordinance to allow detached ADUs. It was decided that ADUs will continue in their current form which is internal or attached to a primary dwelling.

Discussion:

Cathy Brightwell introduced a redline and clean copy of WBMC 17.82 that was prepared by staff, John Janson, Jake Young and Steve Doxey. The following issues were discussed.

1. An application process is proposed for all ADUs. This will allow staff to ensure the applicant is aware of and complies with all regulations. It also provides a means to track ADUs within the city. Mr. Doxey informed commissioners that as an alternative, the city can use a business license to keep track of the ADU traffic.
 - Chairman Malan asked why we care to track these situations. Mr. Janson spoke to the fact that it allows the city to know how many units are available especially for affordable housing reporting purposes. Non-legal ADUs and duplexing can result if not tracked, and it lets the owners know that the city is watching over how the unit is being managed. Safety is also an issue.
 - Cathy Brightwell stated at this time, the staff is not proposing a business license be imposed but prefers an application process. *Commissioners were in support of this process.*
2. ADU agreements will still be required and recorded on the property.
3. Exceptions were proposed for determining owner-occupied status. Business, medical, military service, or religious reasons for a continuous time period not exceeding two years can be allowed but require an on-site manager be designated for the period of absence. *Consensus to allow exceptions and increase from 2 years to 3 years.*
4. Short term rentals. Do we want to allow, prohibit, or ignore short term rentals? *There was consensus to exclude short term rental regulations at this time.*
5. Impact Fees. We currently waive impact fees on internal and attached ADUs. This was included as a benefit in our Moderate-Income Housing report from 2020. *Consensus to continue the policy.*
6. Any other concerns?
 - Steve Doxey suggested we add a separate definition describing what a primary dwelling is.

A public hearing will need to be scheduled before sending a proposal to city council.

5. Staff Report

Kris Nilsen:

- Highgate Phase 2 and Doug's Corner may be ready for the next meeting.
- Pickle Ball courts have been paved and fencing will be put up next week.
- Well house is on schedule to begin construction next week.

Cathy Brightwell:

- There is an illegal fencing issue on Pages Lane and others around the city in violation. Our fencing ordinance does not specify fencing types, only height. Is the commission interested in reviewing the ordinance to see if changes are appropriate? *The commission would like to review the current ordinance.*
- A copy of HB 408 that addresses planning commission training was given to each commissioner. Required annual training must be completed or members cannot function as a commissioner until they get it. Staff will provide resources.

6. Consider Meeting Minutes from April 13, 2021.**Action Taken:**

Laura Charchenko moved to approve of the minutes of the April 13, 2021 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

7. Adjourn.**Action Taken:**

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:20 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on May 25, 2021, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

