

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
Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, MAY 25, 2021 AT THE CITY OFFICES**

This meeting will be held in-person

1. Prayer/Thought by Commissioner Sweat.
2. Accept Agenda.
3. Consider Highgate 2 Subdivision Plat
4. Consider Doug's Corner Subdivision Plat
5. Consider Ferlin Subdivision
6. Discuss Housing in Certain Commercial Areas Overlay (HCCO)
7. Discuss Fencing Regulations
8. Staff report.
9. Consider Meeting Minutes from May 11, 2021.
10. 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 21, 2021 by Cathy Brightwell, City Recorder.*

West Bountiful City

May 25, 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 21, 2021 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 25, 2021 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko.

MEMBERS EXCUSED: Council member Kelly Enquist.

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

VISITORS: Lori Ferlin, Todd Willey, Dave Wilding, John Janson, Jake Young

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

1. Prayer by Commissioner Sweat

2. Accept Agenda

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

3. Consider Highgate 2 Subdivision Plat

Commissioner packets included a memorandum dated May 21, 2021 from Kris Nilsen regarding Highgate No. 2 Phase 1 Subdivision - Final Plat (waiver for small subdivision) with attached preliminary plat plan.

Kris Nilsen introduced the subdivision stating that developer, Blackgate Investments, LLC, has applied for a six (6) lot subdivision connecting to the west end of existing Highgate Estates Subdivision. The proposed subdivision site is a westerly extension of Wellington Avenue (10 North) along the south of the Millcreek canal west of 1450 West Street. The property is within the B-U zone and consists of 7.44 acres. The lots each meet A-1 zoning requirements for size (1 acre) and frontage (85 ft.), as represented.

Final Plat Review – Per city code the final plat shall include the following information, items in **bold** text still need to be addressed.

1. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided.
2. The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision.
3. The plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines.
4. All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined.
5. **The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines.**
6. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
7. All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city.
8. **The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.**
9. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site.
10. When a subdivision contains lands, which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain, and pay taxes on such lands and common areas.
11. Prior to recording, a current title report will be submitted for review by the city attorney. **Title Report has been submitted and is in process of review.**
12. **Security for Public Improvements to be completed within 18 months.**
13. Payment of fees.

Mr. Nilsen summarized his review of the final plat submission which included plan and profile drawings for street and applicable utilities, storm drain, streetlights, culinary water, secondary water, sanitary sewer, gas easement, wetlands, and review and approval by all other impacted utility companies

Staff recommends that approval by planning commission should be subject to the following conditions:

- Submit a final revised plat for review.
- Submit revised construction drawings for review.
- Address all staff comments.

Commissioners were supportive of the proposed plat plan.

Action Taken:

Corey Sweat Moved to approve the preliminary subdivision plat for Highgate 2 with the following conditions submit a final revised plat for review, submit revised construction drawing for review, and that all staff comments listed above are addressed. Laura Charchenko seconded the motion and voting was unanimous in favor.

4. Consider Doug's Corner Subdivision Plat

Included in the commissioner's packet was a memorandum from Kris Nilsen dated May 21, 2021 regarding Doug's Corner Subdivision- Final Plat (small subdivision) with attached plat and drainage plan.

Douglas Coons Construction, LLC has applied for a three (3) lot subdivision located on the west side of 550 West street at 1000 North. The property is within the R-1-10 zone and consists of 0.696 acres. The lots each meet the required R-1-10 zoning requirements for size (10,000 sf) and frontage (85 ft.), as represented.

Kris Nilsen presented the final plat that has been submitted for review. While the layout has some minor concerns, all lots are buildable 10,000 square feet and a drainage plan has been submitted. The middle lot is on a bend and will not be considered a corner lot.

There was discussion about the driveway access on Lot 2. Commissioners wondered if it can be required to be a certain distance from the corner. Mr. Nilsen stated that there will be just one driveway allowed and it must be at the farthest side of the property from the corner. It cannot be in the middle of the property.

Final Plat Review – Per city code the final plat shall include the following information, items in **bold** text still need to be addressed.

1. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided.
2. **The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision.**
3. The plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines.
4. **All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined.**

5. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines.
6. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
7. **All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city.**
8. **The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.**
9. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site.
10. When a subdivision contains lands, which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain, and pay taxes on such lands and common areas.
11. **Prior to recording, a current title report will be submitted for review by the city attorney.**
12. **Security for Public Improvements to be completed within 18 months.**
13. Payment of fees.

Mr. Nilsen summarized his review of the final plat submission which included lot layout, plan and profile drawings for street, curb and sidewalk, and applicable utilities, demolition of existing building, storm drain, streetlights, culinary water, secondary water, sanitary sewer, gas easement, wetlands, and review and approval by all other impacted utility companies

Staff recommended that any approval by planning commission should be subject to the following conditions:

- Submit a final revised plat for review. Plat comments are in the process of being addressed by preparer.
- Submit revised construction drawings for review a. Construction drawings are in the process of being addressed by designer.
- Submit a title report for review.
- Address all City staff comments.

Action Taken:

Laura Charchenko moved to approve the subdivision plat for Doug's Corner at 550 West 1000 North with the following conditions: 1) Submit a final revised plat for review; 2) Submit revised construction drawings for review; 3) Submit a title report for review; and 4)

Address all City staff comments. Corey Sweat seconded the motion and voting was unanimous in favor.

5. Consider Ferlin Subdivision – 924 W Porter Lane

Commissioner packets included a memorandum from Kris Nilsen dated May 21, 2021 regarding the Ferlin 1-Lot subdivision with attached plat and drainage plans.

Kris Nilsen introduced the Ferlin subdivision stating that Rick and Lori Ferlin have applied for a one (1) lot subdivision with frontage on the north side of Porter Lane (924 West). The property is within the A-1 zone and consists of 2.4 acres. The lot meets the required A-1 zoning requirements for size and frontage (as represented).

Kris Nilsen gave a brief review of the property's history. The land under consideration was originally part of a larger parcel owned by Jeff and Paul Tingey. In 2015 they submitted a subdivision application to divide the larger parcel into two lots, but quickly discontinued the process and instead filed an improper lot line adjustment with the county to connect the eastern half of the property to a lot owned by Mr. Paul Tingey in the adjacent Birnam Woods Subdivision.

Based on comments made by the Tingey's at the time, this was clearly done to avoid the subdivision process and the associated fees and required improvements. Due to this action, the city considers the parcel to the east (and Mr. Tingey's lot in Birnam Woods) to have an illegal status.

The remaining land is what is now owned by the Ferlin's. Since 2018, the city has treated the Ferlin property as buildable under certain conditions. In 2018 the Ferlin's made application, and the planning commission approved a conditional use for a flag lot and the city council approved a final plat for 2-lot subdivision for this property. However, the Ferlin's did not proceed with recording the subdivision, and the subdivision approval has expired.

For reference, below is a summary of the conditions for the original 2-lot subdivision from 2018.

- Install one streetlight near the driveway entrance to the proposed flag lot.
- Secondary water required to be extended to provide service to the development.
- Curb, gutter, sidewalk, and associated improvements were deferred. The rationale included findings that there is no existing curb immediately adjacent to the proposed development and that the property is in the A-1 zone whereas other nearby property with curb is in the R-1-10 and R- 1-22 zones. Improvements terminate on the property east of the original parcel that was improperly divided. If this property had been properly subdivided in 2015, it would likely have had the required improvements.
- Water rights required to be deeded to the city or payment of water right fee.
- Title report reviewed by the city attorney with no objectional entries. 6

- Payment of impact and inspection fees. 7
- Post appropriate improvement bonds. 8
- Approval by Weber Basin for the secondary water service design.

The Ferlin's have abandoned their plans for a 2-lot subdivision with a flag lot, and now wish to place a single home on the 2.4 acre parcel. Due to the unique history of the property, legal counsel has offered as an option the concept of a "1-lot" subdivision to allow the parcel to be legitimized as a lot. Under this scenario, the Ferlin's must meet all of the minor subdivision requirements and record a record of survey with the City's written approval under WBMC § 16.16.020.F and LUDMA Section 10-9a-605.

After review of the submitted Survey of Record and Construction Drawings, staff recommended that any approval by planning commission should be subject to the following conditions:

- Submit a revised Survey of record for review.
- Submit revised Site Plan (construction drawing) for review.
- All City review comments shall be addressed.
- Recommendation on installation of street widening improvements or granting conditions of a deferral.
- Recommendation on required connection to secondary water system or granting conditions of a deferral.
- Water rights will need to be deeded to the city or payment of water right fee.
- Title report reviewed by the city attorney with no objectional entries.
- Payment of impact and inspection fees.
- Post appropriate improvement bonds.

Corey Sweat inquired about the illegal lot. Steve Doxey explained that you can sell a parcel by meets and bounds but you cannot build a subdivision without going through the proper process. The city has decided to fix the situation for the Ferlin's and deal with the issues with the Tingey's later.

There was discussion about the requested deferrals that will be decided by city council. As in past cases, it is not efficient to force a developer to build street improvements (curb, gutter, sidewalk) as an island. There are no street improvements on either side of the Ferlin property nor on the property across the street. A deferral may be the best solution as it can be called due when surrounding properties develop and/or when the city makes street improvements.

Action Taken:

Corey Sweat moved to approve the subdivision plat for the Ferlin 1-Lot Subdivision at 924 W Porter Lane with the following conditions: 1) Submit a revised Survey of Record for review; 2) Submit revised Site Plan (construction drawing) for review; 3) All City review comments shall be addressed; 4) Water rights deeded to the city or payment of water right fee; 5) Title report reviewed by the city attorney with no objectional entries; 6)

Payment of impact and inspection fees; and 7) Post appropriate improvement bonds. Dee Vest seconded the motion and voting was unanimous in favor.

Corey Sweat made an Amended Motion to recommend a deferral of curb, gutter, and sidewalk and require connection to secondary water system. Dee Vest seconded the motion and voting was unanimous in favor.

Cathy Brightwell suggested they skip to agenda Item 7 so that Mr. Janson and Mr. Young can be here to lead the discussion on item 6.

Action Taken:

Corey Sweat made a motion reverse the agenda order for items 6 and item 7. Laura Charchenko seconded the motion and voting was unanimous in favor.

6. Discuss Housing in Certain Commercial Areas Overlay (HCCO)

Commissioner packets included a memorandum dated May 21, 2021, regarding Housing in Certain Commercial Areas Overlay (HCCO). This item was discussed at the April 27, 2021, joint meeting with city council, and the planning commission was asked to work on the issue and make a recommendation.

Cathy Brightwell reviewed this discussion item stating that the proposed overlay would allow housing in commercial areas which is addressed in the city's General Plan. The 500 W and 500 S corridors have been suggested as suitable locations for higher density housing to increase housing options. Additionally, changes are occurring in the retail industry (like the growth of on-line sales), and it is likely that in the future the city's older retail areas will need additional re-development options. By taking the lead on this issue, the city can select the areas it deems more attractive for this type of housing while protecting its commercial base and primary residential areas.

The city's contract planning consultants, John Janson and Jake Young, presented the draft proposal that introduces a framework to consider high density flexible housing types in the C-G and C-H zones along 500 South and 500 West, and opening a door for proposals for a greater mix of uses in locations that provide transportation options and more services. They emphasized that it should be strongly noted that the draft overlay zone does not make residential uses a permitted or conditional use in the commercial zones. Any project would need to go through a legislative process for a re-zone and require a Development Agreement specific to each project that would be at the discretion of the city council.

Site design requirements for the HCCO including heights, setbacks, lighting, parking, access, and landscaping were discussed. It was suggested that 10% of the lot area is required to be devoted for passive and/or active recreation space. Roof top gardens and leisure spaces are encouraged.

Mr. Janson also suggested twenty-four (24) hour on-site management be required for complexes containing more than 20 units. For projects with 20 or less units, on-site management is encouraged.

Commissioners suggested the current 100-foot height allowance be reduced to 60-feet. Cathy Brightwell stated that she spoke with the fire department, and they have a new piece of equipment that can reach 100 feet if placed in the perfect location, but it is more reliable to have lower buildings that can be easily accessed by a broader range of equipment.

There was also discussion about guest parking and Commissioner Sweat suggested parking studies be conducted before a decision is made on the parking needs of a project. It is important to have sufficient parking but not too much. Mr. Janson added that in multi-use situations, available parking can be shared between commercial and residential uses as they time of day they need the parking is different, e.g., commercial requires more during the day while residential requires more night parking.

Commissioners asked staff to make several changes to the draft for further discussion at a future meeting. The process going forward requires two separate public hearings - one for residential areas and the other for commercial areas.

7. Discuss Fencing Regulations

Packets included a memorandum from Cathy Brightwell/Kris Nilsen dated May 21, 2021 regarding review of Fence Regulations.

Cathy Brightwell gave a brief history of fencing regulations. In 2015 and 2017 the city modified its fencing regulations by adding definitions, simplifying language, and making clarifications. It appears more clarification may be needed regarding front yard fencing based on what we have observed around the city.

This issue was brought to staff's attention because of the growing number of homes in the city that have illegal front yard fences. Currently fencing in the front yard is required to be 2 feet or less in height for the first 3 feet and then can increase to 4 feet to the front setback.

Ms. Brightwell presented photos of homes in the city that do not comply with code. Many of these homes have front yard fences that are partially open such as picket, chain link, and split rail. The primary issue appears to be whether "open fencing" should be allowed in front yards. Our existing fencing code does not make an exception for open fencing while most of our neighboring cities do. Staff shared examples they collected from other cities in Davis County.

- North Salt Lake prohibits solid fences, walls, and sight obscuring vegetation that exceeds two feet in height in the front setback but allows chain link fences or fences which are 75% or more open to be four feet in height.

- Layton Code states, “a non-view obstructing fence not exceeding six feet in height may be erected in any front yard space, including those areas that are normally reserved for a clear view.”
- Bountiful allows a 4 foot “open style” fence in the front setback, and any wall or other type fence cannot exceed 3 feet in height, except as further restricted in a clear-view area. Open style is defined as fencing that is at least 75% open.

Should we consider open fencing in front yards if it does not obstruct view? If so, how do we want to define it? Should we consider consolidating the fencing section currently included in each residential zoning code to one standalone section that applies to all? Should we include a separate fencing section in our current code instead of including it in each zone. Add language for open fencing.

Commissioners were supportive of staff’s recommendations. Staff will prepare a draft for their review. Discussion will need to take place regarding enforcement. Shrubs will need to included as well.

8. Staff Report

Kris Nilsen:

- The well house is under construction and on schedule with 90% completion expected by Christmas.
- Pickleball courts are under construction. There was discussion about lighting impacting neighbors. Kris explained that the lights can be scheduled to turn off at 10:00 pm.
- Chairman Malan asked Kris to do some research to determine how far \$500k will go towards a park. Will it cover irrigation, play equipment, etc? This question relates to a proposal for Brookside Ranch to contribute toward a new city park.

Cathy Brightwell:

She is working on training options for planning commissioners. Steve Doxey clarified that the new legislation requires 4 hours of training per year for each commissioner consisting of: 1 hour of General Powers and Duties training, 2 hours of Land Use Training, and 1 hour can be counted for attending 12 meetings.

Dee Vest requested the Commission to take another look at driveway widths as he has had complaints about 36 feet being inadequate.

9. Consider Meeting Minutes from May 11, 2021.

Action Taken:

Mike Cottle moved to approve of the minutes of the May 11, 2021, meeting as presented. **Laura Charchenko** seconded the motion and voting was unanimous in favor.

384 **10. Adjourn.**

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386 **Action Taken:**

387 ***Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting***
388 ***at 9:50 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.***

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391 *The foregoing was approved by the West Bountiful City Planning Commission on June 22, 2021,*
392 *by unanimous vote of all members present.*

393
394 *Cathy Brightwell*
395 Cathy Brightwell – City Recorder

