

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, JULY 13, 2021 AT THE CITY OFFICES

This meeting will be held in-person

1. Prayer/Thought by Commissioner Cottle.
2. Accept Agenda.
3. Public Hearing for Proposed Changes to WBMC 17.82, Accessory Dwelling Units.
4. Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units.
5. Discuss Housing in Certain Commercial Areas Overlay (HCCO), Including Affordable Housing Proposal.
6. Discuss New Clear View Area and Fence Regulations (WBMC 17.50).
7. Staff report.
8. Commission Training.
9. Consider Meeting Minutes from May 25, 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 July 9, 2021 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

July 13, 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 July 9, 2021, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 13, 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, Council member Kelly Enquist

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

VISITORS: John Janson, Gary Jacketta

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

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

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

3. **Public Hearing for Proposed Changes to WBMC 17.82, Accessory Dwelling Units**

Action Taken:

Corey Sweat moved to open the public hearing at 7:37 pm to hear public comment on proposed changes to WBMC 17.82, Accessory Dwelling Units. Mike Cottle seconded the motion and voting was unanimous in favor.

Public Comment: None

Action Taken:

Laura Charchenko moved to close the public hearing at 7:38 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units (ADUs)

Included in the commissioner's packet was a memorandum from Cathy Brightwell, Kris Nilsen, Steve Doxey, John Janson, and Jake Young dated July 8, 2021, regarding proposed updates to Accessory Dwelling Unit regulations with an attached redline and clean copy of the proposed changes to WGBMC 17.82 as directed at a previous meeting.

Some of these modifications include:

- Changing the owner-occupied status exemption from 2 to 3 years
- Continuing to waive impact fees for ADUs, excluding short term rental regulations currently.
- Adding a definition of Primary Dwelling by Mr. Doxey. The idea with a primary dwelling is that it continues to meet the definition even if the owner lives in the ADU. It is not dependent on the owner's place of residence, but rather the character of the dwelling as the main dwelling that would meet all applicable single family dwelling requirements even without the ADU. We have plenty of references in this chapter that allow the owner to live in the ADU, but the ADU does not thereby become the primary dwelling.

Commissioner Comments:

Laura Charchenko asked how penalties would be handled as referenced in 17.82.040.M. The listed reference deals with appeals, not penalties. Staff will correct the reference.

Mike Cottle commented that he likes the definition of ADU and wants to make sure it is not expanded to include detached ADUs.

Chairman Malan asked for clarification on 17.82.040.D regarding cement vs. gravel parking stall language. Some discussion took place, and it was decided that "gravel" will be added to the list of acceptable materials used. Staff will change the language to reflect that change. Parking area must be off the street.

Action Taken:

Laura Charchenko moved to send a positive recommendation to city council for the proposed changes to WBMC 17.82.040, Accessory Dwelling Units as presented with the change of adding gravel to Section D – Parking, and Section M - Penalties for Penalties. Corey Sweat seconded the motion and voting was unanimous in favor.

5. Discuss Housing in Certain Commercial Areas Overlay (HCCO), Including the Affordable Housing Proposal.

Commissioner packets included a memorandum from Staff dated July 9, 2021, regarding Housing in Certain Commercial Areas Overlay (HCCO) with draft proposed changes to WBMC 17.42 that includes comments and suggestions made by the commissioners at the last meeting. Also included in the new draft is a proposal to consider concepts for affordable housing as part

of a Development Agreement. While the details have not been worked out, it provides an opportunity for discussion.

The proposal suggests developers commit to 10% of units with affordable prices or rents based on 80% or less of the Davis County Area Median Income (AMI) and includes a 20 year commitment to continued affordability. Mr. Janson noted that many communities are using this model and further explained the concept and reasoning behind it to keep it within an affordable housing status. He said it is a policy issue, and the commission can decide what to do with it and can change the percentage to a different number if they prefer.

There was discussion about the concept and Commissioner Sweat stated that we should not dictate pricing as it will interfere with what the free market can do. Mr. Janson noted that this is an attempt to create affordable housing per the state's request. There is a big need for housing for people who cannot afford the increasing market rates, and there is a concern that in the future affordable housing could be a state mandate. Corey said he supports high density housing in commercial areas but does not want it to include a requirement for affordable housing.

Dee Vest commented that under this proposal, he does not see how a developer can make money so they may not participate. Council member Enquist pointed out that there is subsidized funding and grants available for developers that put in affordable housing units.

Chairman Malan directed staff to remove the affordable housing paragraph and put it on the back burner for future consideration. All commissioners were in support.

There was discussion on Site Design Requirements and Building Design Requirements with direction given to staff to add clarification to several sections.

An updated draft with changes discussed tonight will be brought back on July 27 for review and a public hearing will be scheduled for August 10, 2021.

6. Discuss New Clear View Area and Fence Regulations (WBMC 17.50)

Commissioner packets included a memorandum dated July 9, 2021, from Cathy Brightwell/Kris Nilsen regarding Fence Regulations, draft code amendments, and pictures of front yard fences in West Bountiful.

Cathy Brightwell presented a draft proposal based on comments from commissioners at the May 25, 2021, meeting. She noted that they have taken concepts from surrounding cities and blended them into the proposed draft. A new section in code has been created that combines Clear View Area and Fence Regulations and removes it from the individual zones.

Based on previous discussions and review of front yard fences around the city, staff is proposing that open fences in the front setback be allowed that are at least 75% open.

Additionally, the current clear view definition for intersecting streets is clarified and a new regulation for clear view areas for intersections of driveways and streets. She noted that safety was the number one factor in drafting this ordinance.

After review and discussion, staff was directed to change Section 17.50.020.A.3 and B.3 so that trees in a clear view area must be pruned clear of branches 8 feet above the ground.

In Section 17.50.020.B, the distance for measuring the clear view area of the intersection of a driveway and street will be changed from 15 feet to 10 feet. A further exception may be allowed in those situations where a neighbor may have existing landscaping in the corner of the property nearest driveway.

In addition, Chairman Malan would like to consider a height limit on signs in A.4. In Sections A.3 and B.3 tree clearance should match city regulations which may be 14 ft.

Staff will make the changes and bring back a draft.

7. Staff Report

Kris Nilsen:

- Five bids were received for the Design phase for the Public Works and interviews will be held next Tuesday. Eight proposals for the construction phase were received and those interviews will be held in two weeks.
- Construction of the City Well is moving along on schedule.
- Pickleball courts are complete and shade structures over picnic tables will arrive sometime in August.
- Porter Lane is scheduled to be paved Friday/Saturday this week as part of the road reconstruction project.

Cathy Brightwell:

- We have heard that the Plumbs are selling their west side property to Ivory Homes but have not heard directly from either one.
- Met with Weber Basin about our landscaping ordinance. They suggested changes to promote water-wise landscapes especially in park strips. They would like to offer a 'flip your strip' program with monetary incentives. Further suggestions for changes will be presented in efforts to create opportunities for water conservation.
- Manheim is desiring to expand their area of business, which is legal non-conforming in West Bountiful. The rear parcel is in West Bountiful, and the rest is in Woods Cross. Part of the land in West Bountiful is swampy and they want to bring fill in to expand their existing parking area for cars, but these changes may cancel their legal non-conforming status. They have also inquired about extending beyond their own property by leasing land from a neighboring property and/or subdividing so that the far east portion of the property could be sold as residential lots adjacent to Highgate subdivision but this

would also negate the legal non-conforming use. Our code allows planning commission to consider requests to expand non-conforming uses so they may be coming in with a request. Mr. Doxey stated that the Commission has the discretion to say yes, no, or require conditions.

- Cathy asked if paper packets are preferred now that we are meeting in person again. Several commissioners would like to have paper packets provided.
8. **Commission Training.** Cathy Brightwell provided the ULCT Land Use 101 video training. All Commissioners were in attendance and watched 30 minutes before adjourning due to the late hour. The training will continue at the next meeting.
 9. **Consider Meeting Minutes from May 25, 2021.**

Action Taken:

Corey Sweat moved to approve of the minutes of the May 25, 2021, meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

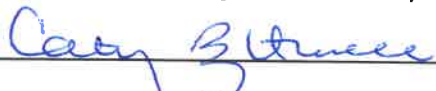
10. **Adjourn.**

Action Taken:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 10:04 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 July 27, 2021, by unanimous vote of all members present.



 Cathy Brightwell – City Recorder

