

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 27, 2021 AT THE CITY OFFICES**

This meeting will be held in-person

1. Prayer/Thought by Commissioner Vest.
2. Accept Agenda.
3. Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units.
4. Discuss Proposed Changes to Housing in Certain Commercial Areas Overlay (HCCO) and Set Public Hearing for August 10, 2021.
5. Discuss New Clear View Area and Fence Regulations (WBMC 17.50) and Set Public Hearing for August 10, 2021.
6. Discuss Implementing Water Efficient Landscape Regulations.
7. Staff report.
8. Commission Training.
9. Consider Meeting Minutes from July 13, 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 22, 2021 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

July 27, 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 22, 2021, per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 27, 2021, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Mike Cottle (via Zoom), 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) via Zoom.

VISITORS: John Janson, Jake Young

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

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

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

3. **Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units**

Included in the commissioner's packet was a memorandum from Cathy Brightwell, Kris Nilsen, Steve Doxey, John Janson, and Jake Young dated July 22, 2021, regarding Proposed Updates to Accessory Dwelling Unit Regulations with an attached redline and clean copy of the proposed changes to WBMC 17.82.

Cathy Brightwell informed the commission that as staff was making the final changes as directed by the commission at the last meeting, they thought a little more discussion on enforcement and penalties was needed before going to city council. WBMC 17.08.050 is referenced in the new ADU ordinance and says that a person who violates any of the provisions shall be guilty of a Class B misdemeanor, but it does not provide any details or process.

Additionally, staff provided the following policy suggestions for commissioner's consideration.

Process for having an ADU.

1. Submit an application to register an ADU. If construction is necessary, the application will accompany a building permit application. This Registration will provide the necessary information to determine if the ADU complies with our city code and building code. Once approved, it will be used to track the ADU.
2. Prior to issuance of a certificate of occupancy (for new construction and/or conversion) an ADU Agreement will be signed and recorded on the property. This agreement will include the regulations that must be followed to have an ADU and provide notice to future owners of the property.
3. Both of these documents will be required regardless of whether the homeowner intends to use the ADU as separate living quarters.

Enforcement & Penalties for Non-compliance.

1. When the city becomes aware that an ADU is being operated in a manner inconsistent with ADU regulations, notice will be provided to the homeowner that penalties may be imposed if the violation is not corrected within 30 days. This may include an inspection of the property.
2. If the city determines that the violation is continuing, monetary fines may be imposed, the registration will be revoked, and a notice of non-compliance will be recorded on the property.
3. If the homeowner continues to be non-compliant, the city may prosecute.

There was discussion about how enforcement should be handled and who will do it. Cathy Brightwell explained that a non-officer police employee has responsibility to handle minor code enforcement issues, but this issue might be better handled by the zoning administrator, Kris Nilsen. Chairman Malan suggested that the details of enforcement can be discussed at a later time and should not delay the proposed draft being sent to city council. Steve Doxey also recommended to put the ADU in place and then follow up with the penalty process later.

John Janson spoke about using the language “registering” an ADU. He suggested the process should be a simple application not a registration. Kris Nilsen noted that we need to have a way to identify the ADU and track its use, but it doesn’t matter whether it’s an application for ADU or a registration. The result will be the same. We want to have something that can be revoked if the property owner is out of compliance. After discussion, it was decided that the word “registration” be deleted and replaced with Application for ADU.

4. Discuss Proposed Changes to Housing in Certain Commercial Areas Overlay (HCCO) and Set Public Hearing for August 10, 2021

Commissioner packets included a memorandum from Cathy Brightwell, Kris Nilsen, Steve Doxey, John Janson, Jake Young dated July 22, 2021, regarding Housing in Certain Commercial Areas Overlay (HCCO) with a redline copy of 17.42 Housing in Certain areas Overlay (HCCO).

Cathy Brightwell noted that an overlay to allow housing in certain commercial areas 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.

The commission has reviewed and discussed several versions of the attached proposal over the past three months and directed staff to make a final set of amendments for review prior to setting a public hearing, tentatively scheduled for August 10, 2021.

Review:

Chairman Malan suggested the language on page 5 be more specific on bike parking. Some discussion took place regarding how to clarify the language. It was suggested to change the language to a "minimum of 10%" which will be in addition to the total required parking stalls. Steve Doxey noted that bike parking could be different for different types of developments, and we may want some flexibility for the developer to propose what is needed instead of the city requiring it.

There was discussion about whether it is necessary to specify three different building types when the regulations, in large part, apply uniformly among the three types. John Janson clarified that each have their own specific requirements. Laura Charchenko asked if there might be a case where a different type was requested other than the three options. Mr. Young said the list was pretty broad and should be enough to choose from. If not, a developer could come and suggest a different option and then code could be changed.

Some discussion took place regarding landscaping requirements especially during drought conditions. There was some concern that the required minimums might be too low. It was decided to keep the minimums as presented in the redline.

Chairman Malan said this is a good beginning even though he predicts things will change within a year and we may have to readdress this ordinance again.

Staff will make the noted changes and present a clean draft. Steve Doxey will review and make his legal changes. A public hearing will be tentatively scheduled for August 10, 2021, unless more changes are made that would require more review and discussion from the commission.

5. Discuss New Clear View Area and Fence Regulations (WBM17.50) and Set Public Hearing for August 10, 2021

Commissioner packets included a memorandum dated July 22, 2021, from Cathy Brightwell and Kris Nilsen regarding Fence Regulations with a draft copy of the new Section: 17.50 Clear View Area and Fence Requirement.

Cathy Brightwell noted that the existing fencing code does not allow open fencing in front yards while most of our neighboring cities permit it. Open fencing is defined as fencing that is 75% open, such as chain link.

Staff has identified many properties in the city with non-compliant front yard fencing, some of which may qualify as open fencing. Clarification and expansion of clear view areas is also under consideration. Additionally, the commission asked that the current fencing regulations located in each zone be moved into its own Chapter – WBMC 17.50, that will apply to all fencing regardless of zone.

There was discussion about the new clear view area descriptions, one for street intersections and one for driveways. Kris Nilsen noted that the language for street intersections is clear, but the driveway clear view area was clarified. There are some instances where we cannot change an existing property to allow a new property to meet the requirements due to existing landscape, fences, etc. To address this issue the curb and driveway measurements may be reduced to six feet where existing conditions will not permit ten feet. This will still provide adequate site lines.

Cathy addressed the regulations for maintenance of street side tree height. Current code does not list a minimum height requirement for trees to be pruned on the street side. It only states that trees must be a minimum of eight feet above the sidewalk. However, the city has asked residents to keep their trees pruned to 14 feet to accommodate snowplows and garbage trucks. Discussion took place and it was determined that this clear view section of code will require branches to be at least fourteen feet over the sidewalk and street.

In Section 17.50.050.D Additional Height/Exceptions for fences abutting the interstate freeway, it was decided that this subsection is not needed and will be deleted.

Staff will make suggested changes and legal will review it. A public hearing will be set for August 10, 2021.

6. Discuss Implementing Water Efficient Landscape Regulations.

Commissioner packets included a memorandum dated July 22, 2021, from Cathy Brightwell and Kris Nilsen regarding Water-wise landscape regulations, with an attached copy of the city's current landscape ordinance, and a copy of the Weber Basin Water Efficient Landscape template for review and discussion.

Extreme drought conditions continue to plague the state. Utah is the fastest growing state in the nation, and one of the driest. With 100 % of the state experiencing drought, Governor Cox declared a state of emergency due to drought in May and issued an Executive Order on June 8 restricting water use at state facilities. In an effort to manage the limited water supply in 2021, Weber Basin Conservancy District implemented watering restrictions in June, and the West

Bountiful city council followed by adopting Resolution 496-21 implementing the same water restrictions for 2021.

The city recognizes water as a valuable resource that should be used wisely and as efficiently as possible and supports conservation efforts to protect water supply inventories for both present and future water needs. With 60% of residential water used outdoors, Weber Basin has asked cities to update landscape ordinances to encourage water efficient landscape regulations.

There was discussion regarding the Weber Basin template. It is very detailed and much of the information is not necessary to include in code. She said staff has not had time to go through it in detail and asked the Commissioner's to provide any comments and/or suggestions they may have as we work through the document.

7. Staff Report

Kris Nilsen:

- Progress is being made on the well house but will be slightly delayed due to issues with the building structure block which is back-ordered. Water testing is being done currently.
- Porter Lane and 800 West paving has been completed.
- Plans are being made to provide an irrigation connection to the golf course from the culinary city system. They are also looking at adding an east west connection at the end of 975 West connecting to the Prospector trail.
- Public Works Facility planning is moving toward selecting a designer/contractor.

Cathy Brightwell:

- Laura Charchenko asked if we are looking into getting Google fiber in our city. Cathy explained that it is going into North Salt Lake/Woods Cross because they are close to Salt Lake. We are looking into Utopia currently but could be part of Google fiber as it moves closer to our city.
- We have a couple new potential businesses. One is a tea shop, and the other is a ramen restaurant.
- No further information has been received regarding west side development.

8. Commission Training- Tabled until next meeting.

9. Consider Meeting Minutes from July 13, 2021.

Action Taken:

Laura Charchenko moved to approve of the minutes of the July 13, 2021, meeting as presented. Dee Vest 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 9:35 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 August 10, 2021, by unanimous vote of all members present.



Cathy Brightwell – City Recorder