

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
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, AUGUST 10, 2021 AT THE CITY OFFICES**

This meeting will be held in-person

1. Prayer/Thought by Commissioner Mitchell.
2. Accept Agenda.
3. Conditional Use Application for Duerden's Appliance Warehouse at 580 W 100 North.
4. Public Hearing on Proposed Fence/Clear View Area Regulations.
5. Consider Proposed Changes to West Bountiful's Fence and Clear View Area Regulations – WBMC 17.50.
6. Staff report.
7. Consider Meeting Minutes from July 27, 2021.
8. Commission Training.
9. 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 August 6, 2021 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: August 10, 2021

FROM: Cathy Brightwell

RE: Duerden's Appliance Warehouse

Duerden's Appliance, Inc. has applied for a conditional use permit to operate a warehouse in the Carr Building at 580 W 100 North in West Bountiful. This property is in the Commercial Highway District which lists warehousing as a conditional use.

Duerden's has a store at 419 W 500 South in Bountiful. They have leased space in the Carr building to store appliances and mattresses, and the loading docks for their trucks. This area is not a retail location and is not open to the public for shopping. It is only used for storage of the appliances and mattresses Duerden's delivers to customers. If a customer comes to pick up an item, it is brought to their vehicle.

A diagram showing the leased warehouse space and a picture of the loading docks is attached.

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

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.

Staff recommends the following conditions be required with the granting of this conditional use permit:

1. Fire Inspection approval;
2. Signage will comply with city regulations;
3. No merchandise will be stored outside;
4. Upon issuance of this Permit, a West Bountiful City business license will be issued.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 580 West 100 North W Bountiful UT 84010

NAME OF BUSINESS/USE: Duerden's Appliance Inc

PARCEL NUMBER: 060390128 **ZONE:** CH **DATE OF APPLICATION:** 08/02/2021

Applicant Name: Todd Hall

Applicant Address: 419W 500S Bountiful UT 84010

Primary phone: 801-295-9413

E-mail address: todd.hall@duerdensappliance.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal and separate sheet with additional information if necessary.

Duerden's Appliance Inc has a store at 419W 500S in Bountiful. We lease the space that Carr printing used to use for their warehouse to store and load our appliances. This area is not open to the public and is only used for storage of the appliances and matted Duerden's delivers.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

Date: 8/2/2021

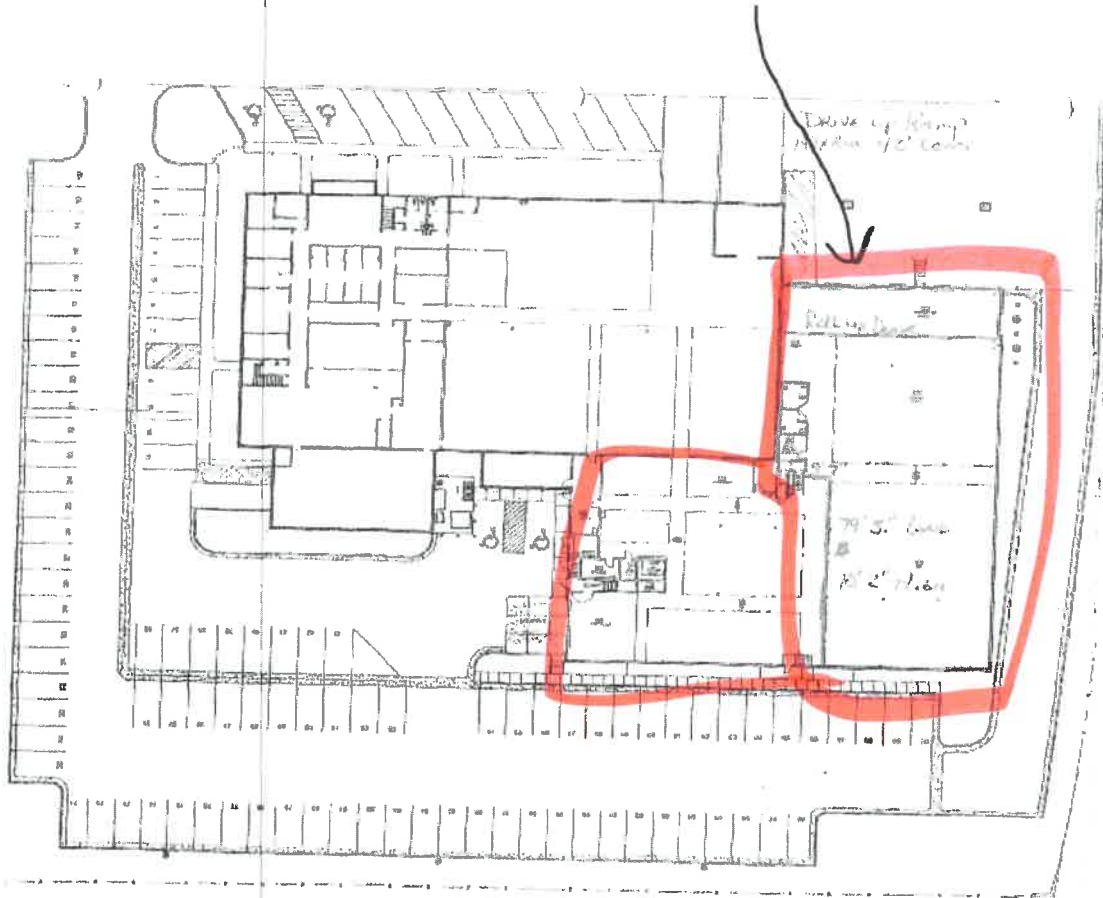
Applicant Signature: Todd Hall, President

Application Received Date: 8/3/21
Application Fee Received Date: 8/3/21
Permit Approval:

FOR OFFICIAL USE ONLY

Permit Number: 21-05
Fire Inspection Date:
Fire Inspection Approval Date:

EXHIBIT A
PICTORIAL OF LEASE PREMISES



- N -



Mayor
Kenneth Romney

**City Engineer/ Zoning
Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

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NOTICE OF PUBLIC HEARING

The West Bountiful Planning Commission will hold a public hearing on Tuesday, August 10, 2021 beginning at 7:30 pm, or as soon as agenda allows. The purpose of the hearing is to receive public comments on the following topics:

1. Proposed updates to the city's fence regulations.
2. Proposed updates to clear view area regulations.

A description of the proposals is available for review at www.WBCity.org under the Public Notice tab. All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Planning Commission

DATE: August 6, 2021

FROM: Cathy Brightwell, Kris Nilsen

RE: Review Fence Regulations

The commission has been considering modifications to the current fencing regulations related to “open fencing” in front yards. The existing fencing code does not make an exception to allow open fencing while most of our neighboring cities do. 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.

Staff provided draft amendments to the current regulations at the July 13 and July 27, 2021, meetings. Several additional suggestions were made which are included in the current draft.

NEW SECTION:

17.50 Clear View Area and Fence Requirements

17.50.010 Purpose.

The following standards will govern the height and location of fences, walls, plant growth, or other obstructions to provide adequate open vision of vehicular and pedestrian traffic.

17.50.020 Clear View Area

A clear view area shall be maintained at the intersection of every street, whether public or private, and at the intersection of every driveway with a public or private street. The clear view provisions are considered life safety standards and shall supersede any conflicting provisions of this title.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, or other screening material, or other obstruction which interferes with the safety of pedestrians or vehicle traffic.

- A. The clear view area for a **street intersection** shall be determined by measuring forty (40) feet from the point of intersection of the back of curb lines, or if there is no curb then edge of asphalt lines, and then connecting the termini of those lines forming a triangle that encompasses a portion of the street right-of-way and the adjoining lot. Within that clear view area, the following shall apply:
 1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two feet (2') in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 2. Chain link fences or fences which are seventy five percent (75%) or more open shall not exceed four feet (4') in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 3. Trees may be located or maintained in such area in excess of the height provided they are pruned clear of all branches between the ground and a height of **fourteen (14) feet and are planted at least ten (10) feet apart**. Tree canopies or other growth shall not block signs or signals.
 4. No sign shall be allowed in the clear view triangle unless it is specifically permitted by this title, and it is determined by the City Engineer that it is not a safety hazard.
 5. No obstruction of any sort shall be allowed which interferes with the safety of pedestrians or traffic unless it is specifically permitted by this title, and it is determined by the City Engineer that it is not a safety hazard.

6. No vehicle parking.

B. The clear view area for the **intersection of a driveway and a street** shall be determined by first establishing the point of intersection of the driveway edge and the back of curb lines, or if there is no curb then edge of asphalt lines, then measuring ten (10) feet along the of the back of curb lines, or if there is no curb then edge of asphalt, away from the driveway, and ten (10) feet along the edge of the driveway in toward the property. A line is then drawn from the termini of the two (2) lines, forming a triangle. **The curb line measurement may be reduced to six (6) feet where existing conditions will not permit ten (10) feet.**

1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
2. Chain link fences or fences which are seventy five percent (75%) or more open shall not exceed four (4) feet in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
3. Trees may be located or maintained in such area in excess of the height provided they are pruned clear of all branches between the ground and a height of **fourteen (14) feet and are planted at least ten (10) feet apart.** Tree canopies or other growth shall not block signs or signals.

17.50.030 Front Yard Fences.

Notwithstanding the clear view area regulations listed above, fences installed in a front yard shall comply with all of the following requirements:

- A. A fence seventy five percent (75%) or more open is allowed up to six (6) feet in height within the front yard setback. The front yard setback is that area including side yards, between the front yard setback line and the front property line; and
- B. A fence which is not seventy five percent (75%) or more open is allowed up to four (4) feet in height within the front yard setback if located more than three (3) feet from any street right of way or sidewalk, whichever is closer to the primary building on the lot.

17.50.040 Rear and Side Yard Fences

- A. Rear yard. Fences and walls shall not exceed six (6) feet in height within any rear yard.

- B. Side yard. Fences and walls shall not exceed six (6) feet in height within any side yard beyond the front setback. Such fence, wall, or hedge shall be no closer to the street than the sidewalk or if no sidewalk, the property line.

17.50.050 Additional Height/Exceptions

- A. The planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
- B. 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.
- C. A fence enclosing a recreational facility (whether private or public), such as a tennis court, swimming pool, ball diamond, etc., may be allowed up to fourteen (14) feet in height, as long as it is "open style" and not site obscuring, is located at least five (5) feet away from the property line, and is not within the minimum front yard setback area.

17.50.060 Building Permit Required

Construction of fences and retaining walls must meet applicable requirements of Title 15 of this Code. A building permit must be secured for construction of all fences over six feet and retaining walls over four feet.

Delete related sections: 17.14.100, 17.16.100, 17.20.100, 17.24.100

1 **West Bountiful City**

July 13, 2021

2 **Planning Commission Meeting**

3 ***PENDING – NOT APPROVED***

4 ***Posting of Agenda*** - The agenda for this meeting was posted on the State of Utah Public Notice website,
5 on the West Bountiful City website, and at city hall on July 22, 2021, per state statutory requirement.

6
7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 27,
8 2021, at West Bountiful City Hall, Davis County, Utah.

9 ***Those in Attendance:***

10 **MEMBERS ATTENDING:** Chairman Alan Malan, Mike Cottle (via Zoom), Dee Vest, Corey Sweat,
11 Laura Charchenko, Council member Kelly Enquist.

12
13 **STAFF ATTENDING:** Kris Nilsen (City Engineer), Cathy Brightwell (Community Development),
14 and Debbie McKean (Secretary). Steve Doxey (City Attorney) via Zoom.

15 **VISITORS:** John Janson, Jake Young

16
17
18 The Planning Commission meeting was called to order at 7:30 pm by Chairman Malan.

19 **1. Prayer by Commissioner Vest**

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21
22 **2. Accept Agenda**

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

25
26
27 **3. Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units**

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

33
34 Cathy Brightwell informed the commission that as staff was making the final changes as
35 directed by the commission at the last meeting, they thought a little more discussion on
36 enforcement and penalties was needed before going to city council. WBMC 17.08.050 is
37 referenced in the new ADU ordinance and says that a person who violates any of the provisions
38 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.

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