

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
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, FEBRUARY 8, 2022, AT THE CITY OFFICES**

AGENDA:

1. Prayer/Thought - Commissioner Sweat.
Pledge of Allegiance – Dennis Vest.
2. Confirm Agenda.
3. Discuss Public Improvement Requirements as a Condition of a Building Permit.
4. Consider Meeting Minutes from January 25, 2022.
5. Staff report.
6. Training.
7. Adjourn.

*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website
and the city website on February 4, 2022, by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commissioners

DATE: 2/04/2022

FROM: Staff

RE: Public Improvement as a Condition of a Building Permit

As discussed at the January 25, 2022, planning commission meeting, staff has become aware of the need to clarify language in city code regarding when and what public improvements are required as a condition of a building permit.

The updated discussion draft below includes comments from planning commission, John Janson, Steve Doxey, and staff. A clean version is also attached.

CURRENT:

15.08.050 Site And Off-Site Improvements May Condition Building Permit Approval

The installation of curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches of a type approved by the land use authority may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval.

PROPOSED:

15.08.050 On and Off-Site Improvements as a Condition of Building Permit Approval

A. Except as otherwise required under Section 16.20.020 for subdivisions, a property owner shall be required to install the public improvements listed below in Section 15.08.050.B as a condition of a building permit for the following:

1. A new ~~main building~~ primary dwelling, non-commercial structure, or commercial structure.
(Barns, family gathering buildings, etc. without a home on the property)
2. An addition to a ~~main building~~ primary dwelling, non-commercial structure, or commercial structure that increases living space the footprint or floor space by 50%.
(Discuss unfinished basements, attached garages, etc.)
3. Cumulative additions to ~~a home~~ one or more structures on the property that increase the total footprint or floor space by 50% over a 5-year period.
(Discuss all projects vs additional living space. }

4. ~~An accessory building?~~
(Need more discussion about very large buildings, e.g., family gathering building)
5. ~~When a new use is proposed on a property that increases traffic demand by twenty-five percent (25%).~~

B. For any of the events described in Section 15.08.050.A, the following public improvements are required along the frontage of the property:

1. Curb, gutter, and sidewalk.
2. A minimum of three (3) feet in width of full depth streetwidening construction to meet the curb and gutter in accordance with the city's construction standards and specifications.

Minimum 3 ft width is required to ensure improvements can be installed correctly and last. If the property only needs to add one foot of width to the asphalt along the property frontage, that is too thin to expose the sub-materials to verify conditions and asphalt patch will not hold up and compaction can be an issue. This is common practice with road work. This is not meant to limit widening in the case that requires more than 3 ft of width.

It was suggested to add language that the city will participate in some way (50%?) for asphalt improvements. This section of roadway is owned by the city and has been maintained by the city prior to improvement so the city should have some responsibility. Cost sharing is a policy decision to be made by the city. See new proposed language in D. below

3. ~~Drainage culverts located on site or within the ROW that require improvement shall be paid for by the property owner to the extent of their contribution to that system.~~

It was suggested to create a fee (in similar value to an impact fee) to be paid instead of requiring the improvements be completed by the property owner. John Janson noted that it would be difficult to come up with a one size fits all approach and with the deferment agreement listed below, actual individual assessments could be made. City will be responsible for improvements. Same argument applies as above, the city owns the property and has been maintaining the drainage culverts so why would the responsibility shift completely to the property owner? See new proposed language in D. below.

- 4.3. Covering, piping, or fencing of irrigation ditches. ~~as determined by the city engineer~~

- 5.4. Other Improvements for city utilities/ or services, such as culinary water and storm drain facilities ~~service.~~

- 6.5. Other Improvements for non-city utilities/ or services, including but not limited to streetlights, utility poles, and communication, sewer, gas, and electric services.

C. The city council may waive, modify, or delay the construction of all or part of the required public improvements upon the request of the property owner or recommendation of the city engineer after making specific findings supporting its decision consistent with the following standards. Except as specifically provided in this section, no required improvements may be waived, modified, or deferred.

1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, A-1, and A-S zoning districts may be deferred when the city council finds compelling reasons, such as significant impact to adjacent property, that the city's interests are better served by deferring the construction.
2. The requirement to cover or pipe an open ditch that the city has previously designated to remain open may be waived, modified, or deferred upon a finding that the waiver, modification, or deferral is in the public interest.
3. Other required improvements may be deferred only upon a specific finding that deferral is in the public interest.
- 1.4. The deferral of any public improvements under this section is subject to a deferred improvements agreement, approved by the city council, that allows the city to determine when, if ever, such improvements will be required.

D. The city council may elect to have the city participate financially in up to fifty percent (50%) of the cost of asphalt or drainage improvements after making a specific finding that such participation is fair to the property owner and in the public interest.

16.20.020 Public Improvements (Subdivisions)

Notwithstanding the provisions of Section 15.08.050, Tthe approval of all subdivisions, including minor or small subdivisions, will require the installation of all public improvements including asphalt, curb and gutter, sidewalk, street lights and utilities which are required to complete the standard street design included in the City's design standards regardless of whether the required improvements are on a new or existing street. The city council may waive, modify or delay the construction of all or part of the required public improvements upon making specific findings supporting its decision consistent with the following standards.

1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, and A-1 zoning district are eligible for deferred construction under a deferred improvements agreement when the city council finds compelling reasons why the city's interests are better served by deferring the construction.
2. The city council may waive, modify, or defer the requirement to pipe an open ditch that has been previously designated by the city to remain open upon a finding that the waiver, modification, or deferral is in the public interest. All other open ditches in the subdivision are required to be piped according to the size requirements of the city drainage master plan as a condition of the subdivision approval.
3. The construction of any public improvements deferred under this section shall be subject to a deferred improvements agreement that allows the City to determine when, if ever, such construction will be required.

PROPOSED:

15.08.050 On and Off-Site Improvements as a Condition of Building Permit Approval

- A. Except as otherwise required under Section 16.20.020 for subdivisions, a property owner shall be required to install the public improvements listed below in Section 15.08.050.B as a condition of a building permit for the following:
 - 1. A new primary dwelling, non-commercial structure, or commercial structure.
 - 2. An addition to a primary dwelling, non-commercial structure, or commercial structure that increases the footprint or floor space by 50%.
 - 3. Cumulative additions to one or more structures on the property that increase the total footprint or floor space by 50% over a 5-year period.
- B. For any of the events described in Section 15.08.050.A, the following public improvements are required along the frontage of the property:
 - 1. Curb, gutter, and sidewalk.
 - 2. A minimum of three (3) feet in width of full depth street construction to meet the curb and gutter in accordance with the city's construction standards and specifications.
 - 3. Covering, piping, or fencing of irrigation ditches.
 - 4. Improvements for city utilities or services, such as culinary water and storm drain facilities.
 - 5. Improvements for non-city utilities or services, including but not limited to streetlights, utility poles, and communication, sewer, gas, and electric services.
- C. The city council may waive, modify, or delay the construction of all or part of the required public improvements upon the request of the property owner or recommendation of the city engineer after making specific findings supporting its decision consistent with the following standards. Except as specifically provided in this section, no required improvements may be waived, modified, or deferred.
 - 1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, A-1, and A-S zoning districts may be deferred when the city council finds compelling reasons, such as significant impact to adjacent property, that the city's interests are better served by deferring the construction.
 - 2. The requirement to cover or pipe an open ditch that the city has previously designated to remain open may be waived, modified, or deferred upon a finding that the waiver, modification, or deferral is in the public interest.

3. Other required improvements may be deferred only upon a specific finding that deferral is in the public interest.
 4. The deferral of any public improvements under this section is subject to a deferred improvements agreement, approved by the city council, that allows the city to determine when, if ever, such improvements will be required.
- D. The city council may elect to have the city participate financially in up to fifty percent (50%) of the cost of asphalt or drainage improvements after making a specific finding that such participation is fair to the property owner and in the public interest.

16.20.020 Public Improvements (Subdivisions)

Notwithstanding the provisions of Section 15.08.050, the approval of all subdivisions, including minor or small subdivisions, will require the installation of all public improvements including asphalt, curb and gutter, sidewalk, streetlights and utilities which are required to complete the standard street design included in the City's design standards regardless of whether the required improvements are on a new or existing street. The city council may waive, modify or delay the construction of all or part of the required public improvements upon making specific findings supporting its decision consistent with the following standards.

1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, and A-1 zoning district are eligible for deferred construction under a deferred improvements agreement when the city council finds compelling reasons why the city's interests are better served by deferring the construction.
2. The city council may waive, modify, or defer the requirement to pipe an open ditch that has been previously designated by the city to remain open upon a finding that the waiver, modification, or deferral is in the public interest. All other open ditches in the subdivision are required to be piped according to the size requirements of the city drainage master plan as a condition of the subdivision approval.
3. The construction of any public improvements deferred under this section shall be subject to a deferred improvements agreement that allows the City to determine when, if ever, such construction will be required.

West Bountiful City

January 25, 2022

Planning Commission Meeting

PENDING – NOT APPROVED

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 January 21, 2022, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 25, 2022, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Dee Vest, Laura Mitchell, Mike Cottle, Council member Kelly Enquist.

MEMBERS EXCUSED: Corey Sweat.

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder), and Debbie McKean (Secretary).

VISITORS: Deby Marshall

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

1. **Prayer by Commissioner Vest.**
Pledge of Allegiance- Mike 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. **Discuss Public Improvement Requirements as a Condition of a Building Permit.**

Commissioner packets included information from staff, dated January 21, 2022, regarding Public Improvement requirements as a condition of a building permit.

Cathy Brightwell explained that they have become aware of the need to clarify language in city code regarding when and what public improvements are required as a condition of a building permit. Current and proposed language was provided for discussion.

The commissioners reviewed the proposal from the staff and suggested the following highlighted changes:

CURRENT language:

15.08.050 Site and Off-Site Improvements May Condition Building Permit Approval

The installation of curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches of a type approved by the land use authority may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such

curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval.

PROPOSED language for discussion:

15.08.050 On and Off-Site Improvements as a Condition of Building Permit Approval

Public improvements, as listed below, shall be required of a property owner as a condition of a building permit for the following:

1. A new ~~main building~~ (primary dwelling or commercial structure.
2. An addition to a main building that increases living space ~~the size/footprint~~ by 50%;
3. Cumulative additions to a home (~~and property?~~) that reach the 50% threshold over a 5-year period;
4. ~~An accessory building? (When a certain size? Larger than a primary dwelling?? Never?)~~
5. ~~When a new use is proposed on a property that increases traffic demand by twenty five percent (25%).~~ *After discussion, 4 & 5 were deleted. Improvements should not be required for accessory structures.*

Required Public Improvements:

1. Curb, gutter, and sidewalk.
2. Full depth street widening ~~per construction standards.~~ *After discussion it was suggested to add language that the city will participate in some way (50%?) for asphalt improvements. This section of roadway is owned by the city and has been maintained by the city prior to improvement so the city should have some responsibility.*
3. Drainage culverts located on site or within the right of way that require improvement shall be paid for by the property owner to the extent of their contribution to that system. *After discussion it was suggested to add language that creates a fee (in an amount similar to an impact fee) to be paid instead of requiring the improvements. City will be responsible for improvements. Same argument applies as above – the city owns the property and has been maintaining the drainage culverts so why would the responsibility shift to the property owner?*
4. Covering, piping, or fencing of irrigation ditches ~~as determined by the city engineer.~~
5. Other non-city utilities/services. *Includes utility poles, streetlights, etc.*

If the City Engineer determines that a certain improvement has significant impacts to adjacent properties and the installation timing is not reasonable, a deferral agreement may be recommended for any of the above improvements. Such agreement must be approved by the city council.

Staff will make the changes and have them reviewed.

4. Discuss Items to be Addressed in 2022

a. Sidewalks

Staff would like to discuss standards to use in cases where sidewalks do not have park strips.

b. Landscaping

Weber Basin is encouraging cities to come up with new landscape regulations that use water-wise systems and designs.

c. Permitted Use Language

Last year, planning commission spent a lot of time on modifying Permitted, Conditional, and Prohibited Uses in the zoning code. The changes have not yet been adopted as more detail is needed in code to ensure the uses have necessary standards and regulations.

5. Staff Report

Cathy Brightwell

- We have heard that it could be a year before we receive proposals for the Ivory home project on the west side.
- The county has completed their part for the annexation of the two properties on 1450 West so we are waiting for the property owners provide the plat plan.
- Dennis Daniels in public works quit a month ago to go to work for the county and the position has now been filled by Drew Howard.
- Police Department replaced Jeremy Adams with Sgt. Tom Smith, and they still have an officer vacancy.

Kris Nilsen

- The public works building will need a conditional use permit from the planning commission. The project is out to bid with bids due by February 10th.
- The 400 N well project is waiting for the main breaker to arrive. It is still on schedule to be up and running in March.
- Chairman Malan requested a tour of the well house before one of our Commission meetings.

6. Commissioner Training.

Cathy Brightwell provided training on the Utah Open & Public Meetings Act.

7. Consider Meeting Minutes from November 9, 2022.

Action Taken:

Laura Mitchell moved to approve of the minutes of the November 9, 2021, meeting as presented. Dee Vest seconded the motion and voting was unanimous in favor.

8. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:10 pm. Mike Cottle seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission February 8, 2022, by unanimous vote of all members present.

Cathy Brightwell – City Recorder