

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, APRIL 12, 2022,
AT THE CITY OFFICES, 550 N 800 WEST**

AGENDA:

1. Prayer/Thought - Commissioner Vest.
Pledge of Allegiance – Commissioner Mitchell.
2. Confirm Agenda.
3. Presentation by Justin Smart & Larry Reasch (UDOT) – I-15 Environmental Impact Statement Study; Farmington to Salt Lake City.
4. WBMC 12.28 – Water Efficient Landscaping.
5. Proposed Clarifications for Non-Commercial Structures in Agricultural Zones.
6. Consider Meeting Minutes from March 22, 2022.
7. Staff report.
8. Adjourn.

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City website on April 8, 2022, by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

April 12, 2022

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 April 8, 2022, per state statutory requirement and the amended agenda was posted on April 11, 2022.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 12, 2022, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Dennis Vest, Laura Mitchell, Mike Cottle, Corey Sweat, and Council member Kelly Enquist.

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

VISITORS: Justin Smart, Larry Reasch, Deby Marshall, Paul Tanner

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

1. **Prayer by Commissioner Vest.
Pledge of Allegiance- Commissioner Mitchell.**
2. **Accept Amended Agenda**

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

3. **Presentation by Justin Smart & Larry Reasch (UDOT)- I-15 Environmental Impact Statement Study; Farmington to Salt Lake City.**

A short video was shown summarizing the I-15 Environment Impact Statement (EIS) Study: Farmington to Salt Lake City. Mr. Reasch, representing the Environment Impact Study, asked for any questions or comments from the Commission. He referred to the website that is available to make comments and ask questions and encouraged them to do so to make sure the city's needs can be met. The public comment period will be from April 11-May 13th, 2022. Work on the project is expected to begin in 2026.

Cathy Brightwell asked if interchanges are being considered. Mr. Smart explained that they are currently in stage 2 of 7 stages, and they will look at all the interchanges in one of those stages. Mr. Nilsen would like to see the overpass type interchange to keep traffic above the railroads. Mr. Smart informed them that they are also looking at creating added lanes up to 6 to accommodate increased traffic.

It was explained that the plan is just a master plan and no dedicated truck lanes have been discussed. Trucks are generally not allowed in the left two lanes of traffic, but this is not being enforced in Utah. In some areas, signage has been removed that once instructed trucks to keep in the right two lanes.

The presentation ended with Mr. Smart reiterating the need for the city to take time express their needs and concerns during this comment period.

4. Discuss Application for Text Change – Paul Tanner

Commission packets included a memorandum from Cathy Brightwell and Kris Nilsen dated April 11, 2022 regarding this request for a text change for a Private School with various correspondence from Paul Tanner.

Cathy Brightwell explained that this item is being added as a new item to the agenda so the commission can discuss how they want to proceed.

Background

In February, the Tanners requested a Conditional Use Permit to operate a small private school in the R-1-10 zone. They did this with the assumption that a private school falls under the “public or quasi-public use” listed as conditional in that zone. The term is not defined in city or state code. Before the application was presented to the planning commission, staff determined that a private school does not fall under the public or quasi-public use.

The Tanner’s appealed staff’s decision to the Land Use Appeal Authority which is the city council. After a hearing, their appeal was denied by city council. At the same time, they filed their appeal in February, they also filed an Application to Rezone/Change Text. The request asks that “places of worship and primary schools (public, private, homeschool pods)” be added wherever “public and quasi-public uses” are listed in code. Alternatively, they ask that “quasi-public uses” be defined as “A use operated by a private non-profit, educational, religious, recreational, charitable, or philanthropic institution; generally, such uses have the purpose of primarily serving the public, such as churches, private schools, universities, and similar uses.”

The Tanners were not able to extend the purchase agreement on the original property and are currently looking at another property in the A-1 zone.

Discussion

Mr. Tanner talked about his family’s desire to open a school in the city on a property that can accommodate the type of school they desire to have which includes outdoor space for learning about animals. The school will operate Monday-Thursday from 8 am – 3 pm with current enrollment of 46 students and hope to grow to 90 in the future and they need a minimum of 1.5 acres.

The Tanner’s proposed text change adds “places of worship or primary schools (private, parochial, and homeschool pods)” in each section of code that references public or quasi-public use. In response to questions, he explained that a “homeschool pod” is a group of individuals/families that come together for home-schooling.

Commissioners commented that there are areas within our city that this type of request can be accommodated. They do not believe private schools should be in a residential area; they were supportive of the school but not in a residential area.

Mr. Tanner noted that currently the only places a private school is clearly allowed is in the commercial general, commercial neighborhood, and industrial zones which he does not believe is a safe location for a school. He believes they should be allowed to be in the same locations as public schools and that's why he's asking for the text change. With appropriate conditions in place, the concerns raised by neighbors could be eliminated.

Corey Sweat noted that this matter was determined by the city council to not fit within the language of current code and was not favored by residents in its earlier proposed location. He didn't feel like we need to entertain the matter further.

Mr. Tanner said that the code changes would clarify the definitions used for schools and churches. He noted that it is inconsistent and not a clear decision. He felt like the Blended Use zone may be a good place but there is nothing in our code currently to allow schools.

There was discussion about other areas in the city that might work better including properties on the west side, including the former Smith property.

A public hearing will be set for the next meeting. This matter will then be forwarded to the City Council for their consideration.

5. WBMC 12.28- Water Efficient Landscaping.

Commissioner packets included a memorandum dated April 8, 2022 from Cathy Brightwell and Kris Nilsen with an attached copy of the new WBMC 12.28 Water Efficient Landscaping proposal.

Staff provided a draft landscape ordinance, replacing existing WBMC 12.28, at the planning commission's last meeting. The draft was primarily based on documents provided by Weber Basin Conservancy District to encourage water efficient landscapes. This effort is important as we begin another season in extreme drought conditions. Also, Weber Basin will provide a rebate to residents who "flip their strip" by removing turf from park strips once a city approves an ordinance adopting their water-wise standards.

Cathy Brightwell noted that the current draft includes changes requested by the commissioners at the last meeting. There was discussion about enforcement and how difficult it may be as we have various means that citizen's use for water. Weber Basin will be monitoring secondary water use and fining individuals that are not in compliance. The city is considering how we can manage culinary water usage.

Commissioner Comments:

Corey Sweat noted that the legislature was less restrictive than Weber Basin and included a five-year goal. He feels like we should tread lightly with culinary water. He suggested putting exception language in regarding golf course, schools, parks, etc.

Laura Mitchell was supportive the proposed document.

Dennis Vest noted that there are many water meters being put in place to monitor the water usage He was supportive of the proposed document as presented.

Alan Malan asked about allowing artificial turf in parkways. Staff responded that if it doesn't require irrigation it is allowed.

Cathy Brightwell pointed out that Steve Doxey will review the document giving his legal input and a public hearing will be set for the next meeting. Commissioners want to move this document forward as quickly as possible so that citizens can take advantage of the "Flip Your Strip" program provided by Weber Basin.

6. Proposed Clarifications for Non-Commercial Structures in Agricultural Zones

Commissioner packets included a memorandum dated April 8, 2022, from Staff regarding Clarifications for Non-Commercial Structures in Agricultural Zones and an attached copy of the recommended ordinance change.

Cathy Brightwell explained the following:

Background

In June 2020, the planning commission recommended, and the city council adopted Ordinance 427-20 amending uses in the A-1 Agricultural District. As part of this change, non-commercial structures (NCS) were added as a permitted use.

A non-commercial structure is defined as a structure that, (1) is not designed or used for commercial purposes, (2) is not designed or used as a dwelling, (3) is not accessory to a principal building or use on the same lot, and (4) is not a landscape enhancement.

The definition goes on to say that if a principal building or use is established on the same lot as an NCS, the NCS will be deemed an accessory structure subject to all regulations governing accessory uses, building, or structures. An NCS requires a recorded agreement between the city and the property owner. In 2021, the city council asked the planning commission to review regulations for non-commercial structures. The planning commission determined that there was a need for this use in the agricultural districts and recommended increasing rear and side yard setbacks based on height of the structure. This recommendation was adopted as part of Ordinance 441-21.

Current Direction

The city council has directed planning commission to again review NCS regulations and clarify that when an NCS is proposed, sufficient space remains on the property for a principal building. Vacant land is expected to become extremely scarce in the future with a high demand for in-fill. It is important to plan for these needs by ensuring that future dwellings may be constructed on lots that currently only consist of an NCS.

Recommendations for Discussion

Staff recommends that any plans submitted for an NCS include clearly delineated buildable area for a principal building. Staff also recommends that the footprint after all applicable yard regulations, such as setbacks and coverage ratios, are considered. This regulation would be in addition to any other yard regulation applicable to the NCS. To avoid submittals for very small dwellings, the following options could be considered.

1. The footprint of the NCS cannot exceed the maximum buildable area or building envelope of the main structure. This would ensure that when a main structure is built, its footprint could be at least as large as the NCS's footprint. OR
2. The buildable area of a future dwelling must have a minimum footprint of 1000 sq. ft. not including garage. This would allow an average 2000 sq. ft. home with two levels

Council member Enquist shared city council's comments and concerns. Commissioners discussed the need to have an option for this type of building and property rights of individuals in the agricultural area. If a property owner does not want to leave sufficient space on the property for further development, they should have that right. The commission does not want to make the change.

Staff suggested the proposal, as is, be considered at a public hearing at the next meeting, then the commission can make a recommendation to city council. Corey Sweat will represent the commission when the item is scheduled on the City Council agenda.

Action Taken:

Corey Sweat moved to schedule a public hearing based on the unchanged document. Dennis Vest seconded the motion and voting was unanimous in favor.

7. Consider Meeting Minutes from March 22, 2022.

Action Taken:

Laura Mitchell moved to approve the minutes from the March 22, 2022, meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

8. Staff Reports

Kris Nilsen

- 600 West road construction will begin April 26th. Notices will be sent out updating residents in the area.
- 400 North well having a fluoride kick off tomorrow getting it up and running in order to finish their operating permit.
- Public Works footings are being put into place for the new facility.
- Working on budgets and grants.
- Water conservation plans are due July 6th.

Cathy Brightwell

- Doug Coons may be ready to take his subdivision on 1000 North to city council for final approval soon.
- Olsen-8 subdivision is still pending from over a month ago.
- Highgate Phase 2 received a Bureau of Reclamation approval, but still needs another permit for an additional storm drain.
- Ivory Homes is considering submitting a 9-lot subdivision for the east side of the property on 400 North with lots ranging from 1 to 2 acres. They still have some water/drainage issues to work on.
- The Manheim temporary expansion with Highgate is being discussed with attorneys.

9. Adjourn.

Action Taken:

***Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:08 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 April 26, 2022, by
unanimous vote of all members present.*

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Cathy Brightwell – City Recorder