

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
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR
MEETING AT 7:30 PM ON TUESDAY, APRIL 26, 2022,
AT THE CITY OFFICES, 550 N 800 WEST**

AGENDA:

1. Prayer/Thought - Commissioner Mitchell.
Pledge of Allegiance – Commissioner Sweat.
2. Confirm Agenda.
3. Public Hearings:
 - a. Proposed Text Change Clarifying Definition for “Public and Quasi-Public Uses” and “Public and Quasi-Public Institutions” in Residential Zones.
 - b. Proposed Changes to WBMC 12.28, Landscape Regulations Replacing Existing Regulations with Updated Water Efficient Standards.
 - c. Proposed Changes to WBMC 17.14 and 17.16, Yard Regulations for Non-commercial Structures in Agricultural Districts.
4. Text Change Clarifying Definitions for “Public and Quasi-Public Uses” and “Public and Quasi-Public Institutions” in Residential Zones.
5. Proposed Changes to WBMC 12.28, Landscape Regulations Replacing Existing Regulations with Updated Water Efficient Standards.
6. Proposed Changes to WBMC 17.14 and 17.16, Yard Regulations for Non-Commercial Structures in Agricultural Zones.
7. Consider Meeting Minutes from April 12, 2022.
8. Staff report.
9. 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 22, 2022, by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

April 26, 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 22, 2022, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 26, 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: Paul Tanner

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

1. **Prayer by Commissioner Mitchell.
Pledge of Allegiance- Commissioner Sweat.**
2. **Confirm Agenda**

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

3. **Public Hearings:**
 - A. Proposed Text Change Clarifying Definition for "Public and Quasi-Public Uses" and "Public and Quasi-Public Institutions" in Residential Zones.
 - B. Proposed Changes to WBMC 12.28, Landscape Regulations Replacing Existing Regulations with Updated Water Efficient Standards.
 - C. Proposed Changes to WBMC 17.14 and 17.16, Yard Regulations for Non-commercial Structure in Agricultural Districts.

- A. **Public Hearing on Proposed Text Change Clarifying Definition for "Public and Quasi-Public Uses" and "Public and Quasi-Public Institutions" in Residential Zones.**

Action Taken:

Laura Mitchell moved to open the public hearings at 7:35 pm to public comments for Proposed Text Change Clarifying Definition for "Public and Quasi-Public Uses" and "Public and Quasi-Public Institutions" in Residential Zones. Dennis Vest seconded the motion and voting was unanimous in favor.

Cathy Brightwell introduced the topic and the reason for the requested text change. She referred to a table located within the staff memo that described the impacts of the proposal to the municipal code.

Public Comment:

Paul Tanner explained that his school is a hybrid between profit and not for profit private school and provided several scenarios that support his request. He informed the commission that he is looking into a property in the agricultural zone that may be better suited to this type of business. He needs a minimum of 1 to 2 acres. He asked the commission to try to share his vision as he looks for a good location to build a school upon. He commented that a church may fit zoning code but sometimes churches will run private schools in them. He was curious how the commission would handle that situation.

Action Taken:

Corey Sweat moved to close the public hearings at 7:50 pm **Laura Mitchell** seconded the motion and voting was unanimous in favor.

B. Public Hearing on Proposed Changes to WBMC 12.28, Landscape Regulations Replacing Existing Regulations with Updated Water Efficient Standards.

Action Taken:

Corey Sweat moved to open the public hearings at 7:51 pm to public comments for Proposed Changes to WBMC 12.28, Landscape Regulations Replacing Existing Regulations with Updated Water Efficient Standards. **Mike Cottle** seconded the motion and voting was unanimous in favor.

Cathy Brightwell provided a summary of the proposal for a re-write of WBMC 12.28 noting that both legal and Weber Basin have reviewed the new proposal and as written, it qualifies for the flip-your-strip rebate program.

No public comments were made.

Action Taken:

Corey Sweat moved to close the public hearings at 7:57pm. **Laura Mitchell** seconded the motion and voting was unanimous in favor.

C. Public Hearing on Proposed Changes to WBMC 17.14 and 17.16, Yard Regulations for Non-commercial Structure in Agricultural Districts.

Action Taken:

Corey Sweat moved to open the public hearings at 7:58 pm for public comment on Proposed Changes to WBMC 17.14 and 17.16, Yard Regulations for Non-commercial Structure in Agricultural Districts. **Mike Cottle** seconded the motion and voting was unanimous in favor.

Cathy Brightwell provided a summary of the proposal.

Alan Malan noted that this public hearing should have been held by the city council as the Commission has previously held a public hearing and made their decision on this matter.

No public comments were made.

Action Taken:

Corey Sweat moved to close the public hearings at 8:00 pm. Mike Cottle seconded the motion and voting was unanimous in favor.

4. Text Change Clarifying Definitions for “Public and Quasi-Public Uses” and “Public and Quasi-Public Institutions” in Residential Zones.

Commissioner Packets included a memorandum dated April 22, 2022, from Cathy Brightwell and Kris Nielsen regarding a request for text change to modify the definition of Public and Quasi-Public Uses and Institutions with attached letter from Paul Tanner. The memorandum included a background summary, the applicant’s proposal and a chart listing the sections of the municipal code that would be impacted by the text change.

Cathy Brightwell explained that in February, the Tanners applied for 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 (city council). After a hearing, their appeal was denied by city council. 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.

At the same time they filed their appeal in February, they also filed an Application to Rezone/Change Text to include “places of worship or primary schools (private, parochial, and homeschool pods)” in each section of the code that references “public or quasi-public use.” 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.”

Corey Sweat suggested that the current request be denied. He stated that the issue is not about the city not wanting a private school, but about finding a location that fits. He feels there is a place in our city for this type of application and is willing to give it more consideration in a different location/zone that does not cause disruption to a residential area. He noted that there is good reason why the text is in place and feels strongly that the existing code should be upheld.

Dennis Vest stated that he would also like Mr. Tanner to return to the commission with a more suitable location to see if things can be worked out.

Most commissioners agreed this is the best route to take.

Councilmember Enquist asked why Mr. Tanner wants to be in West Bountiful. Mr. Tanner responded that West Bountiful is awesome and they are looking for a large property where animals and agriculture can be part of their schooling program. West Bountiful seems the perfect fit for the atmosphere he wants for his school.

Action Taken:

Corey Sweat Moved to Deny the Request for Text Change Clarifying Definitions for “Public and Quasi-Public Uses” and “Public and Quasi-Public Institutions” in Residential Zones to Include Private Schools

and Forward this Recommendation to the City Council for their review and consideration. Mike Cottle seconded the motion and voting was four in favor with one nay vote by Laura Mitchell.

5. Proposed Changes to WBMC 12.28, Landscape Regulations Replacing Existing Regulations with Updated Water Efficient Standards.

Commissioner Packets included a memorandum dated April 22, 2022, from Cathy Brightwell and Kris Nielsen regarding proposed changes to WBMC 12.28, Landscape Regulations Replacing Existing Regulations with Updated Water Efficient Standards.

Cathy Brightwell summarized the proposed changes that the planning commission has been reviewing for the past several meetings. She noted that the proposed draft now includes a minimum vegetation requirement and has been reviewed by legal and Weber Basin. It qualifies for the flip your strip rebate program.

Commissioners reviewed the draft noting the following changes:

- The new paragraph in 12.28.020 that excludes public recreation area from the requirements says basically the same as 12.28.050.B so is not necessary.
- Dennis Vest would like to remove “water features” from the definition of Hardscape.
- 12.28.040 B. – “living landscape” needs to be defined or clarified.
- 12.28.050 – Weber Basin commented that percentages may change as they continue negotiations with the state, and they recommend the ordinance apply to front and side yards. Some discussion took place, and it was decided to continue to exclude side yard areas.
- 12.28.080 – language has been added to match current code that requires a performance bond or cash deposit for non-residential properties when there are delays in completion of requirement landscaping. Also, it was decided to change the extension time to “up to nine months.”

Action Taken:

Laura Mitchell moved to adopt proposed changes to WBMC 12.28, Landscape Regulations as discussed; have staff provide an updated draft this week for review; then forward to city council for their consideration. Corey Sweat seconded the motion and voting was unanimous in favor.

Cathy will send the final draft to the Commission by close of business tomorrow for their review before placing it in council packets for next week’s City Council meeting.

6. Proposed Changes to WBMC 17.14 and 17.16, Yard Regulations for Non-Commercial Structures in Agricultural Zones.

Commissioner packets included a memorandum dated April 22, 2022, from Staff regarding proposed changes to WBMC 17.14 and 17.16, Yard Regulations for Non-Commercial Structures in Agricultural Zones.

Cathy Brightwell stated that 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.

She further explained that the city council has now directed planning commission to review NCS regulations and consider clarifying 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 ahead for these needs by ensuring that future dwellings may be constructed on lots that currently only consist of an NCS.

Consistent with city council direction, staff proposed language that any plans submitted for an NCS include a site plan with clearly delineated buildable area for a principal building considering all applicable yard regulations, such as setbacks and coverage ratios. This requirement 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.

After discussing the proposals and considering past discussions on the subject, planning commission is not convinced that any changes are necessary.

Dennis Vest noted that it is our job to have regulations to protect neighbors, not to protect individuals from themselves when making poor decisions.

Action Taken:

Laura Mitchell moved to respectfully deny further review and changes to WBMC 17.14 and 17.16, Yard Regulations for Non-Commercial Structures in Agricultural Zones as requested by the City Council. Corey Sweat seconded the motion and voting was unanimous in favor.

Corey Sweat will attend the city council meeting in case they have questions.

7. Consider Meeting Minutes from April 12, 2022.

Action Taken:

Corey Sweat moved to approve the minutes from the April 12, 2022, meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

8. Staff Reports

Kris Nilsen

- Milling machine is on 600 West and will commence work soon.
- 400 North well is complete except for the fluoride system which is releasing too much fluoride. A smaller pump is needed and will be provided by the contractor.
- Footings will be in place for the Public Works building next week.
- Highgate 2 is still working on their approvals.
- Doug Coon's 1000 North 3 lot subdivision is actively getting things together again and will soon come before City Council.
- Still have not heard back from Olsen Farms 8 - 4 lot subdivision.
- Dump loads along 400 North were reported to have exceeded the allowed number per day. Tenant will count loads and report back to Kris. The set limit is 24 loads per day.
- The lights under the tunnel on Parrish Lane at Legacy Parkway that were not working have now been fixed by Centerville maintenance.

Cathy Brightwell

- **No Report**

9. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:20 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 May 10, 2022, by unanimous vote of all members present.


Cathy Brightwell – City Recorder