

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, AUGUST 23, 2022, AT THE CITY OFFICES**

AGENDA:

1. Prayer/Thought - Commissioner Sweat.
Pledge of Allegiance – Commissioner Vest.
2. Confirm Agenda.
3. Public Hearing – Updates to Landscape Regulations.
4. Belmont Farms Subdivision (Ivory Development) – Phase 1,
Preliminary & Final Plat.
5. Consider Updates to Landscape Regulations.
6. Flood Damage Prevention Review.
7. Moderate Income Housing Review.
8. Consider Meeting Minutes from August 9, 2022.
9. Staff report.
10. Adjourn.

*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website
and the city website on August 19, 2022, by Cathy Brightwell, City Recorder.*

West Bountiful City
Planning Commission Meeting

August 23, 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 August 19, 2022, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 23, 2022, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

VISITORS: Paul Giles, Gary Jacketta, Jake Young, Dell Butterfield, Joyce Price, Sue Demas, Deby Marshall, Skylar Tolbert

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

Chairman Malan introduced our new Planning Commission alternate, Dell Butterfield. He will be appointed at the next City Council Meeting.

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

Chairman Malan reviewed the proposed agenda. Mike Cottle moved to approve the agenda as presented. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

3. **Public Hearing- Updates to Landscape Regulations.**

Cathy Brightwell explained that the purpose of the hearing is to receive public comment on updates to the city's landscape regulations. The affected sections of West Bountiful Municipal Code include: WBMC 12.28 – Water Efficient Landscape Standards – miscellaneous clarifications; Title 17 Development Standards for Non-Residential Zones – miscellaneous changes to be consistent with WBMC 12.28; 17.52 – Off-Street Parking - Landscaping Updates; and WBMC 15.12.040 – Movement of Buildings – Updates to be consistent with WBMC 12.28.

Action Taken:

Corey Sweat moved to open the public hearing at 7:35 pm. Laura Mitchell seconded the motion and voting was unanimous in favor.

Public Comment:

No public comments were made.

Action Taken:

Mike Cottle moved to close the public hearing at 7:36 pm. Dennis Vest seconded the motion and voting was unanimous in favor.

4. Belmont Farms Subdivision (Ivory Development) - Phase 1 Preliminary and Final Plat

Commission packets included a memorandum dated August 19, 2022, from Kris Nilsen regarding Belmont Farms Subdivision – Preliminary / Final Plat with attached plat.

Kris Nilsen explained that Ivory Development has applied for a six-lot subdivision located on the west side of 1450 West at 400 North. The property is within the B-U zone and the proposed use is single family detached residential dwellings, matching the existing use adjacent to the property on the east and south. The project has been reviewed by staff and meets the underlying A-1 zone requirements for size and frontage, as represented.

Staff has been meeting with the developer to discuss project phasing and staff design comments. The project was initially proposed as nine lots but has been modified to consist of six lots to reduce the frontage on 1450 West Street postponing the improvements to the Millcreek drainage and 1450 West bridge. Phase I meets all city code requirements; Phase 2 is pending review by the county.

Mr. Nilsen noted the following items:

- There is existing sewer and all items that were concerns with the city have been addressed.
- Storm Drain runs down 400 North, and the alignments satisfy city concerns.
- Weber Basin has provided an improvement letter.
- Three streetlights are planned.
- Davis County had to approve where the water was being dumped. Kris received an email that indicated they have approved the plan. A transfer of water rights needs to be completed.
- Landscaping around the retention pond is recommended to be dedicated to the city for maintenance. Public works is willing to do easy maintenance, but administration does not want any more maintenance projects.
- Fencing around the pond retention area and culvert. Kris recommended that no fence is needed. He showed where the pond retention area is and explained how it drains into Millcreek.

There was discussion about fencing around the detention pond. Commissioners Vest and Cottle believe fencing is necessary for safety reasons. Kris Nilsen suggested a bond could be held for fencing if they decided to do that in the future. After discussion, the majority of the commission was not in favor of requiring fencing around the culvert.

Chairman Malan allowed Paul Giles to ask questions. He inquired about the specific areas to be developed and if 400 North will be as wide as 1100 West. He is concerned about the current size of the road and how tight it is when garbage cans are out. Kris responded that the city is addressing those issues. Paul asked the developer when the second phase would be developed. Mr. Tolbert responded that they will actively work with the county on outstanding issues so they can begin Phase 2 as soon as possible. He stated that they will be active in weed control on that property as the city code requires.

Action Taken:

Corey Sweat moved to approve the preliminary/final plat for Belmont Farms with the condition that all of staff's checklist items below are satisfied. Laura Mitchell seconded the motion and the motion passed with a vote of 3-2. Chairman Malan, Corey Sweat, and Laura Mitchell voting yay, and Dennis Vest and Mike Cottle voting Nay (Note: It was stated that the two Nay votes were due to lack of fencing requirement and not the subdivision itself.)

Preliminary Plat Review Checklist (WBMC 16.16.020)

- 1. Copies of any agreements with adjacent property owners relevant to the proposed subdivision.**
 - a. Utah Power and Light (RMP) for proposed utility crossing.**
 - b. Ivory Development for storm drain improvements outside of subdivision boundary.**
- 2. Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements have been reviewed by the utility companies.**
- 3. A Davis County development and construction permit if the proposed project is located within 100 ft. of a critical flood area as defined by Davis County (Davis County Flood Plain Permit).**

Final Plat Review Checklist (WBMC 16.16.030)

- 1. Prior to recording, a current title report will be submitted for review by the city attorney.**
- 2. Following city council approval, the developer will enter into a bond agreement to insure completion of all required improvements within 18 months.**
- 3. Following city council approval, a mylar plat (19" x 30") signed by all required and authorized parties with appropriate notarial acknowledgements will be recorded.**

Review and Approvals from Davis County

- 1. Storm drain discharge to Millcreek drainage approval from City Engineer**
- 2. Transfer of ownership to West Bountiful City the portion of 1450 West Street currently owned Davis County.**

The city will perform the maintenance of the landscape/area once the improvements have completed a warranty period; upon completion of the above items a revised final plat and plans should be submitted to city staff for review.

5. Consider Updates to Landscape Regulations.

Commissioner packets included a memorandum dated August 19, 2022, from Staff regarding General Landscape References in West Bountiful Municipal Code with an attached redline copy of proposed changes.

Cathy Brightwell explained that staff and legal counsel have reviewed all general landscape references throughout the municipal code to complement and be consistent with the newly adopted Water Efficient Landscape ordinance, WBMC 12.28. It also proposes several clarifications to the new Code.

Ms. Brightwell reviewed the document and proposed changes in its entirety with the commission:

12.28 Water Efficient Landscape Standards:

- Clarification of definitions and applicability
- Yellow highlighted text is provided for discussion.

17 - C-G, C-N, L-I, C-H, I-G, HCCO:

- Eliminate duplicative language included in Chapter 12.28
- C-H - change to match C-G, C-N, and L-I

- I-G – add a minimum landscape requirement of 15% of the site area for all zones
- HCCO – make changes and add clarifications consistent with 12.28.

17.52 Off-Street Parking:

- Delete Landscaping from 17.52.060 Maintenance of Parking Lots and create new section.
- Update regulations to require landscaped islands in parking lots.

15.12.040 Movement of Buildings:

- Clarify and reference Chapter 12.28.

Following discussion, the following changes to the draft were made:

- 12.28.040.B – The minimum front yard landscaping requirement for vegetation was changed from 25% to 10%.
- 12.28.070- it was decided that the requirement for a landscape plan be limited to the front yard.
- 17.xx.xxx- (all commercial, industrial, and HCCO zones) it was decided to change the total required landscape for the site area to 10% to be consistent across these zones.
- 15.12.040 - Movement of Buildings - All redlined language was agreed upon as proposed.
- 17.52.060 & 080 - Landscaping in Parking Lots – Jake Young suggested having a minimum parking island size of 140 sf with a minimum average width of 8 ft to better accommodate trees which the commission agreed to.

Action Taken:

Laura Mitchell moved to approve the proposed modifications made to WBMC 12.28 and Sections of Title 17 and 15 as discussed above, and to recommend approval by the City Council. Corey Sweat seconded the motion and voting was unanimous in favor.

6. Flood Damage Prevention Review.

Commissioner packets included a memorandum dated August 19, 2022, from Staff regarding Flood Damage Prevention with an attached redline draft

Kris Nilsen introduced this agenda item stating that West Bountiful is required to adopt floodplain management measures that meet or exceed the minimum National Flood Insurance Program (NFIP) regulations by September 15, 2022. If the city does not adopt the necessary floodplain management measures, our community will be suspended from the NFIP. Suspension means that no new policies or renewals will be issued to residents in our city.

FEMA reviewed our existing Flood Damage Prevention ordinance, WBMC 15.16, and provided a checklist of items that need to be included or changed before they can approve it.

Staff prepared a draft that includes revisions to WBMC 15.16 to address the checklist items. It has been reviewed by legal counsel and FEMA and, if adopted, satisfies the NFIP regulations. The draft was reviewed by the commission.

Action Taken:

Laura Mitchell moved to adopt WBMC 15.16 Flood Damage Prevention Ordinance as presented to satisfy the NFIP Regulations and recommend approval by the City Council. Corey Sweat seconded the motion and voting was unanimous in favor.

7. Moderate Income Housing Review.

Commission packets included a memorandum from Jake Young (Citi Design), the city's contract planner, regarding an update of the Moderate Income Housing Plan (MIH).

Jake Young explained that during the 2022 Legislative Session, the Moderate-Income Housing law was amended to require communities to update previous MIH plans, including implementation strategies and schedules, by October 1. West Bountiful City is required to pick a minimum of 3 strategies from the list and that includes a required station area plan for cities within proximity of a public transit station. He reviewed the list of strategies the city selected in the past.

1. Allowing and updating the Accessory Dwelling Units (ADUs) ordinance. *This has been accomplished. Additionally, the city does not charge impact fees for ADUs making them more cost-effective.*
2. The possibility of providing funding to City employees to assist them with their housing needs (down payment assistance). *This strategy has not been implemented, and staff has indicated that it is not likely practical at this point.*
3. Providing for multifamily use opportunities in the commercial zone. *The Housing in Certain Commercial Overlay (HCCO) was completed in 2021.*
4. The strategy of preserving affordable housing (Woodhaven mobile home park). *This was addressed when the city worked with the owner of the mobile home park on updates and improvements.*

Given the work on these items to date, Jake and staff recommend selecting new goals in accordance with state law. The emphasis this year is on committing cities to accomplish the strategies they prioritize. He said that due to the relatively short timeframe to comply with the new report requirements, staff recommends the commission hold a public hearing on September 13 and send a proposal to city council for consideration at its September 20th meeting.

Commissioner Sweat pointed out that West Bountiful does not have much buildable area left. This project is about increasing density and not affordable housing and that the two are different. Higher density does not result in affordable housing. Jake Young explained the definition of moderate-income housing. He noted that the formula used is based on average household size divided by the average median income at 80% of the County median, making it specific to each city. The intent of this plan is to help legislators know what each city is willing to do to help create moderate income housing.

The commission discussed the proposed options and chose to move forward with the following:

- H-** Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, such as residential development near major transit investment corridors or senior living facilities.
- L-** Reduce, waive, or eliminate impact fees related to moderate income housing by 1 %.
- V –** Develop and adopt a station area plan in accordance with UCA 10-9a-403.1 (REQUIRED)

A public hearing will be scheduled on September 13, 2022.

8. Consider Meeting Minutes from August 9, 2022

Action Taken:

Mike Cottle moved to approve the minutes from August 9, 2022, as presented. Dennis Vest seconded the motion and voting was unanimous in favor.

9. Staff Report

Cathy Brightwell:

- ULCT has a land use lunch & learn training scheduled for September 6th from 12pm – 1pm via Zoom. This will qualify toward their required hours. Cathy will send the information to the commissioners.
- Staff has been working with the Super Stop convenience store on the new landscape standards and the past issue regarding retail tobacco specialty permit appears to be resolved.

Kris Nilsen:

- 400 North well will be starting up with fluoride tomorrow morning.
- 600 West project – currently excavating the north end; paving is scheduled for September 6.
- Public Works facility – The steel structure is going up. Material storage building should be poured by next week. Hoping to be in by Christmas.

Commission Comments:

- Corey Sweat reported that the drainage behind Alice Acres is dammed off due to fencing. It also has a lot of leaves and debris. Kris will check it out. Kris suggested a letter be given to the residents of Alice Acres about their responsibility to keep debris out of the ditch.
- It was reported that more RV's were being stored at the sewer plant again. It was determined that the property they are on is in the county and permitted.
- Water usage for the city of secondary water is less than expected. City water usage has been reduced as well.

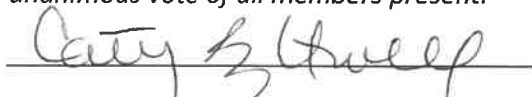
10. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 10:00 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 on September 13, 2022 by unanimous vote of all members present.



Cathy Brightwell – City Recorder