

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
Dell Butterfield, Alt.

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, JANUARY 10, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Vest;
Pledge of Allegiance – Commissioner Mitchell.
2. Confirm Agenda.
3. Discuss New Model Home Ordinance, WBMC Chapter 17.74.
4. Discuss Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76.
5. Discuss Clean-up Corrections and Updates to Miscellaneous Land Use Regulations in
Titles 16 and 17.
6. Consider Meeting Minutes from November 15, 2022.
7. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
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 January 6, 2023, by Cathy Brightwell, City Recorder.*

West Bountiful City
Planning Commission Meeting

January 10, 2023

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 6, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 10, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED: Mike Cottle, Dell Butterfield

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

VISITORS: Deby Marshall and Amy Parker.

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. **Confirm Agenda**

Chairman Malan reviewed the proposed agenda correcting item #6 with the correct date. Corey Sweat moved to approve the agenda as corrected. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

3. **Discuss New Model Home Ordinance, WBMC Chapter 17.74**

Commissioner packets included a memorandum dated January 6, 2023, from staff, regarding a new Ordinance, WBMC Chapter 17.74, introducing a proposal to allow model homes and sales trailers for active subdivision developments.

Cathy Brightwell explained that the city has occasionally been asked to allow model homes or sales trailers in new subdivisions. Neither of these uses are currently included in city code. In the past, these requests have been addressed as part of a development agreement for a PUD.

Ivory Homes has requested a sales trailer on their recently approved 6-lot subdivision, Belmont Farms, Phase 1, so they can begin selling future lots. This sales trailer is intended to be used only until a model home can be built.

She described the proposal by staff for sales trailers and model homes that provide regulations and standards required for this use. Because the standards will be provided in Code, staff recommends the

use be listed as permitted in all residential zones and the Housing in Certain Commercial Areas Overlay (HCCO).

Commissioner Discussion:

There was discussion about road material for temporary roads and parking lots. It was noted that asphalt will be required for roads, but we may need to consider other options on occasion. Staff also clarified that utilities will be required in all cases even if some public improvements are not complete. Mr. Malan inquired about issuance of a certificate of occupancy. Ms. Brightwell stated that according to the city building inspector, a class B-certificate of occupancy can be issued for both the trailer and model home prior to the home being used as a dwelling and it will require ADA compliance. Kris Nilsen explained that trailers will only be allowed once a building permit is submitted for a model home. Some discussion took place regarding the size a subdivision can be to have a trailer or model home. Commissioners decided that there was no need to set a minimum size requirement. A public hearing will be scheduled for the next meeting.

4. Discuss Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76

Commissioner packets included a memorandum dated January 6, 2023, from staff regarding WBMC 17.76 – Swimming Pools, that includes a proposal to update the city's swimming pool regulations.

Cathy Brightwell introduced this agenda item. She noted that staff is proposing pool setbacks for side yards to be changed from 10 feet to 7 feet to be more consistent with other rear yard structures and the typical side yard public utility easement (PUE). The 10 foot rear yard setback should remain so that pools do not encroach into the typical 10 foot rear yard subdivision PUE. Commissioners concurred with the staff recommendation.

In addition, the city currently requires a 6-foot fence with self-closing/self-latching gates to enclose a private swimming pool. This safety measure is intended to keep small children and other non-invited guests from accessing a private backyard pool and risk drowning.

She explained that updates have been made to the ASTM Standards (American Society for Testing & Materials) which are adopted as part of the International Residential Building Code (IRC) that provide an exception to the fencing requirement. Pools with powered safety covers that comply with ASTM F 1346-91 are not required to meet the fencing standards. This safety designation is routinely listed on the pool cover, on the company's website, literature, and brochures. Language has been proposed that would include the fencing exception in our code.

Commissioner Discussion:

After discussion, commissioners agreed that the exception to fencing regulations should not be included in our code, but that the fencing regulations be changed from a 6-foot fence to a 4-foot fence with a self-closing and self-latching device to match state and federal regulations. This fence could either be placed around the perimeter of the property or just around the pool.

Commissioner Sweat noted that regardless of any rules implemented, an irresponsible homeowner will still cause safety risks. It was noted that the city is not liable for residential negligence.

A public hearing will be scheduled for January 24, 2023.

5. Discuss Clean-up Corrections and Updates to Miscellaneous Land Use Regulations in Titles 16 and 17.

Commissioner packets included a memorandum dated January 6, 2023, from staff regarding Miscellaneous Land Use Code Corrections and Updates with an attached redline copy of Title 16 and 17.

Cathy Brightwell stated that over time Mr. Doxey and staff have run across areas of the city's land use code that need corrections or updates to be consistent with the state Land Use, Development, and Management Act (LUDMA), UCA 10-9a. A redline draft was reviewed with commissioners.

Kris Nilsen explained the bond process in WBMC 16.16.030.K (Final Subdivision Plat - Security for Public Improvements) and noted that 100% is an Improvement Bond is 100% and an additional 10% is collected as a Warranty Bond with each having different release times. The two-year language will be changed to one year to match state code. He said that Improvement Bonds are released by staff as improvements are completed and the warranty bond is kept for one year after subdivision is approved and can only be released by the City Council.

There was discussion about the Outdoor Storage section and the need to correlate with prior codification of our city code. Commissioners would like to review the Storage/Merchandising/Zoning Permitted and Conditional Use Matrix in upcoming meetings.

A public hearing will be scheduled for January 24.

6. Consider Meeting Minutes from November 15, 2022.

Action Taken:

Corey Sweat moved to approve the minutes from November 15, 2022, as corrected. Laura Mitchell seconded the motion and voting was unanimous in favor.

7. Staff Report

Engineering (Kris Nilsen)

- Ivory Homes and Belmont Farms are currently connecting to utilities. Pavement is pending until spring.
- Public Works building should be sealed up this week so that mudding and taping can begin inside.
- We used most of our Weber Basin water allotment this year. 400 North Well is up and running. It will take a bit of work to manage the fluoride, but they are working on it.
- We received two grants for widening and installing curb and sidewalk on the east side of 1100 West which should cover the entire cost of the project. This project will likely be scheduled for 2024.
- Google Fiber has 3 permits open with the first one almost completed. Staff and Steve are addressing several construction complaints and have escalated them to Google's management. There will be a final inspection and anything that needs to be fixed will be fixed.

Community Development (Cathy Brightwell)

- There will be an upcoming agenda item regarding a Conditional Use Permit for a home occupation application for an auto repair shop. It may appear on the agenda at the next meeting.
- Bill Goldberg wants to sell off some of his property to a neighboring property owner that is not annexed into the city. Staff is working with him on this issue.
- There will be a Legislative Town Hall Meeting tomorrow night at 7:00-8:30 pm at City Hall. There will be information regarding what will be coming forth in the upcoming session.

Commission Reports/Comments:

Dennis Vest reminded staff that the commission would like to review detached ADUs and asked that they be put on the agenda in the near future. Cathy noted that staff has begun researching these issues and there is also a chance that legislative changes may be made during the upcoming session so the issue may not be ready to bring forward immediately.

Chairman Malan thanked staff for helping with the Elf Tree this year and noted the positive impact it has on families' lives. Cathy noted that Shelley Bruhn headed the efforts as the city had low staff and could not manage the entire project.

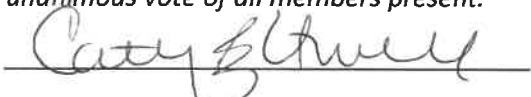
8. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:05 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 January 24, 2023, by unanimous vote of all members present.



Cathy Brightwell – City Recorder