

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
Dell Butterfield
Laura Mitchell
Corey Sweat
Dennis Vest

UPDATED 6/12/2023

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, JUNE 13, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Vest;
Pledge of Allegiance – Commissioner Mitchell.
2. Confirm Agenda.
3. Public Hearing–Consider Changes to the City’s Parking Regulations as Part of the 2023 Moderate Income Housing Strategy 2 (WBMC 17.44 and 17.52).
4. Consider Changes to Parking Regulations in WBMC 17.44 and 17.52.
5. Discuss Request to Change Text Regarding Accessory Structure Heights by Jeremy Broderick, 1451 N 950 West.
6. Discuss Home Occupation Business License Uses.
7. Meeting Minutes from May 23, 2023.
8. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
9. Adjourn.

This agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCity.org), emailed to planning commissioners, and provided to the Davis Journal on June 12, 2023, by Cathy Brightwell, City Recorder.

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 June 9, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 13, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED: Commissioners Corey Sweat and Dell Butterfield.

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

VISITORS: Aimee Hinojosa, Dan McConkie, Katy Broderick, Jeremy Broderick

The 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. Laura Mitchell moved to approve the agenda as presented. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

3. **Public Hearing—Consider Changes to the City’s Parking Regulations as Part of the 2023 Moderate Income Housing Strategy 2 (WBMC 17.44 and 17.52)**

Commissioner packets included a memorandum dated June 12, 2023, from staff and consultants. The memo describes the city’s efforts to address its Moderate Income Housing Strategies for 2023 with attached redline copy of changes to WBMC 17.52 Off Street Parking and 17.44-Housing in Certain Commercial Areas Overlay Site Design.

Cathy Brightwell explained that in 2022, the Utah legislature required the city to select and plan for the implementation of a minimum of three moderate income housing strategies. Updates were adopted to the housing section of the city’s General Plan to help achieve goals toward increasing moderate income housing. Recent legislation requires the city to submit updates by August 1, 2023, regarding its success in accomplishing the Strategies.

She reviewed the three Strategies selected by the city listed below:

- Strategy 1 – Develop and Adopt a Station Area Plan in Accordance with Section 10-9a-403.1.
- Strategy 2 – Amend Land Use Regulations to Eliminate or Reduce Parking Requirements for Residential Development Where a Resident is Less Likely to Rely on the Resident’s Own Vehicle,

such as residential development near major transit investment corridors or Senior Living facilities. A public hearing is required and scheduled for this evening.

- **Strategy 3 – Reduce, Waive, or Eliminate Impact Fees related to Moderate Income Housing.**
Proposal The attached draft provides modifications to WBMC 17.44 – Housing in Certain Commercial Areas Overlay, and WBMC 17.52 – Off-Street Parking to eliminate or reduce parking requirements where a resident is less likely to rely on their own vehicle, such as near a transit station. It is not necessary for this item to come before the planning commission. It will be on the city council agenda for next week.

Ms. Brightwell reviewed the redline changes as discussed in the April 25, 2023, meeting which address Strategy #2.

Action Taken

Laura Mitchell Moved to Open the Public Hearing. Dennis Vest seconded the Motion and Voting was Unanimous in Favor.

Public Comment:

- Aimee Hinojosa stated it is a great strategy and the city should move forward with it.

Action Taken

Dennis Vest Moved to Close the Public Hearing. Laura Mitchell Seconded the Motion and Voting was Unanimous in Favor.

4. Consider Changes to Parking Regulations in WBMC 17.44 and 17.52

Action Taken

Laura Mitchell moved to approve the changes to the City's Parking Regulations (WBMC 17.44 and 17.52) as described above and send it to City council for their review and approval. Dennis Vest seconded the motion and voting was unanimous in favor.

5. Discuss Request to Change Text Regarding Accessory Structure heights by Jeremy Broderick, 1451 North 950 West

Commissioner packets included a memorandum dated June 9, 2023, from Kris Nilsen and Cathy Brightwell regarding a Request to Change Text Regarding Accessory Structure heights with an attached application and description of request with site plans included.

Kris Nilsen introduced the request from Jeremy Broderick, at 1451 N 950 West (Ranches at Lakeside). He lives in the R-1-22 zone and has petitioned the Commission to consider a code text change to modify the current accessory structure height regulations. The purpose of his request is to modify the way setbacks are measured related to heights, while not changing the overall height allowed in each zone.

Mr. Broderick wants to build a garage that will store his RV, which requires a 14 ft tall garage door. Given the space he has available on his lot and the current setback requirements, he is unable to build a structure that meets his needs. He notes that because he is on a corner lot, his rear yard faces his neighbor's side yard. The neighbor's home (or any home) can be up to 35 feet high 10 feet from the property line, yet his accessory structure is limited to a height of 24 feet at the same 10-foot setback.

Until a couple years ago, accessory structure heights were approved by the planning commission on a case-by-case basis as part of a conditional use permit application. As a result, several of his neighbors have accessory structures similar to what he is asking for that do not meet current code.

Mr. Nilsen explained that Mr. Broderick is seeking a text change to the accessory building height/setback regulations as proposed below. He reviewed the proposed changes.

- Side/rear setback can be reduced if the structure has a Hip style roof.
 - a. The side/rear setback to the peak of the roof (not wall) will be measured from the property line.
 - b. The side/rear setback to the wall will be measured from the property line and can be shorter than the setback measurement to the peak.
 - c. The minimum side/rear setback to the exterior wall is 6 ft.

Kris further explained that current regulations are intended to reduce the impact of tall buildings to neighbors. The distance from the property line to the peak is the same under both scenarios. The difference is the distance of the wall from the property line. The line of site (view) at a 12 ft height is the same for both scenarios. The line of site (view) at a 6 ft height is slightly more obstructed.

He noted the dynamic of the setbacks in the relationship of the type of roof and gave an example of such. Some discussion took place regarding what imposition it would be to the neighbor. The suggested changes, especially for corner lots like Mr. Broderick's, do not impose much change or impact to those living around him but it makes a big difference for him.

Jeremy Broderick reviewed his proposal and explained his drawings compared to what is currently allowed. He drew several examples on the white board and pointed out that in many cases his proposal is less intrusive to neighbors than current code.

Chairman Malan provided some history as to the reason the current regulations exist with the goal to minimize impacts to neighbors of tall buildings.

Cathy Brightwell explained that because this is a code change, a public hearing is necessary before making a recommendation. She pointed out that tonight's discussion refers to the R-1-22 zone and asked if the commissioners want to consider the change in all three residential zones for the public hearing. The commission concurred.

Chairman Malan informed Mr. Broderick that the commission will wait until the next meeting (June 27) to get input from the two absent commissioners and hold a public hearing.

The commission asked Mr. Broderick to submit any new ideas and information he has in written form for the staff and commission to further review.

6. Discuss Home Occupation Business License Uses

Commissioners received a staff memorandum in their packets from Cathy Brightwell and Kris Nilsen dated June 9, 2023, regarding Home Occupation Business License Uses with a redline copy of WBMC 5.28 Home Occupations.

Cathy Brightwell told the commission that the city council recently discussed the need to clarify what types of business qualify as home occupations. She explained that the city's commercial zones list uses that are permitted, conditional, and prohibited. Residential zones do not currently exclude any businesses from consideration for home occupations. If it is determined that a home occupation business may conflict with the intent of the Home Occupation regulations without imposing additional conditions, WBMC 5.28 requires a conditional use permit review by the planning commission. She said that in some cases, this process satisfactorily addresses situations where businesses can be successful and not negatively impact the neighborhood, but there are some businesses that should not qualify as home occupations based on impacts of traffic, parking, noise, safety, health, visual effects, etc.

Ms. Brightwell pointed out that a home occupation is defined in code as "any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by West Bountiful City."

Staff reviewed home occupation regulations from surrounding cities and found that many include a list of prohibited uses. Based on those lists, staff compiled and identified several types of businesses that the city may want to consider prohibiting from becoming home occupations. These uses, by nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes.

Staff reviewed the proposed redline changes and noted that in addition to creating a Prohibited Use list, some housekeeping changes are also proposed. This list is provided to begin discussion only.

Dennis Vest suggested businesses that use harmful chemicals should be prohibited. After discussion took place, the following changes to the proposal were suggested:

5.28.040 – Specific Businesses Prohibited (New):

- A – Motor vehicles sales, rentals, and outdoor storage of vehicle inventory – *ok*
- B – Auto repair, bodywork, painting, glass replacement, detailing, etc. – *more discussion needed*
- C – ~~Major Appliance repair~~ – *strike*
- D – Towing and Trucking – *more discussion needed*
- E – ~~Welding or machine shop~~ – *strike*
- F – ~~Funeral Chapels and Mortuaries~~ – *strike*
- G – Gift shops
- H – Restaurants
- I – Kennels, ~~in-home~~ vet services, or animal daycare – *delete "in-home", clarify office use only*
- J – Sexually-oriented businesses – *state law applies, but ok to leave in*
- K – Retail tobacco specialty businesses - *state law applies, but ok to leave in*
- L – Retail e-cigarette specialty businesses - *state law applies, but ok to leave in*
- M – Medical Cannabis pharmacy - *state law applies, but ok to leave in*
- N – ~~Any Business determined to be substantially similar...~~ – *strike*
- O – Any business that is prohibited in the City's commercial and industrial zones. - *ok*
- XX – *Add Porta-potties*

5.28.050 - Requirements:

- D - adjust language to be able to have multiple types of businesses at one address.

- J – Include language for “off street parking.”
- K - Strike language dealing with vehicle weight.
- N - change business hours to end at 10:00pm to be consistent with other city code.

Chairman Malan said that we need further discussion on this issue when the whole commission is in attendance and asked staff to prepare a draft that incorporates the commissioners’ comments from this evening.

7. Consider Meeting Minutes from May 23, 2023

Action Taken:

Dennis Vest moved to approve the minutes from May 23, 2023, as presented. Laura Mitchell seconded the motion and voting was unanimous in favor.

8. Staff Report

a. Engineering (Kris Nilsen)

- Doug Coons subdivision got tabled due to unaddressed issues.
- Public works facility has been paved and move in will be soon.
- Started construction on the 1890 North culinary water project.
- Google Fiber is finishing up their installation project. It was reported that there have been several outages but have great customer service.
- A full road construction project for 660 West from 400 N to 1000 N, including curb, gutter, and sidewalk, will be included in next year’s budget.

b. Community Development (Cathy Brightwell)

- The County has completed the annexation notification process for both the north area and south area. County surveyors are preparing the necessary plats, so it will be sometime in July before the annexation process can continue.
- Auto Italia Appeal - Steve Doxey will represent the planning commission and the Bountiful city attorney will represent the City Council in the appeal of a conditional use permit and home occupation business for Auto Italia on June 20.

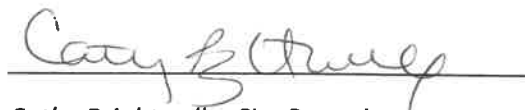
9. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn. Dennis Vest seconded the motion and voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on June 27, 2023, by unanimous vote of all members present.


Cathy Brightwell – City Recorder