Mayor
Kenneth Romney

City Engineer/ Land Use Administrator
Kris Nilsen

City Recorder
Remington Whiting

City Council Representative
Dell Butterfield

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Vice Chairman
Corey Sweat

Commissioners
Laura Mitchell
Dennis Vest
Robert Merrick
Tyler Payne

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, OCTOBER 8TH, 2024, AT THE CITY OFFICES.

Invocation/Thought – Commissioner Vest
Pledge of Allegiance – Commissioner Merrick

1. Confirm Agenda.
2. Public Hearing – Amending Requirements for Distance Between Structures In Residential Zones.
3. Consider Recommendation to City Council – Amending Requirements for Distance Between Structures In Residential Zones.
4. Code Change Application - Front Yard Fence Regulations – Burnell.
5. Discussion on Land Use Code Enforcement.
6. Approve Meeting Minutes from September 24th, 2024.
7. Staff Reports.
8. Adjourn.

This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org), and posted at City Hall on October 4th, by Remington Whiting, City Recorder.

West Bountiful City
Planning Commission Meeting

October 8, 2024

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 October 4, 2024, per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 8, 2024, at West Bountiful City Hall, Davis County, Utah.

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Laura Mitchell, Robert Merrick, Tyler Payne (Alternate) and Council member Dell Butterfield.

MEMBERS/STAFF EXCUSED: Remington Whiting (Community Development), Corey Sweat, Kris Nilsen (City Engineer).

STAFF ATTENDING: Duane Huffman (City Administrator), and Debbie McKean (Secretary).

PUBLIC ATTENDING: Brent Bushman, Todd Willey, Mark Morris, Rich Hendricks, Bonnie Henricks and Dustin and Shelley Schilling.

Prayer by Commissioner Vest
Pledge of Allegiance- Commissioner Merrick

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

1. **Confirm Agenda**

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

2. **Public Hearing- Amending Requirements for Distance Between Structure in Residential Zones.**

Duane Huffman introduced this evening's public hearing stating that upon recent review, city staff and legal counsel concluded that the code regarding the distance between structures within residential zones needs clarification. He noted that during the previous planning commission meeting on September 24th, 2024, the commission discussed changing the required distance between structures that are located on the same lot or parcel. The commission discussed the idea of changing it to meet current fire code, which does not have a required distance. Based on current city code, this would affect the A-1, R-1-10 and R-1-22 zone.

The city code currently reads (with proposed strikeouts):

B. Distance between ~~main~~ structures ~~and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet~~. (17.16.050 (B), 17.20.050 (B), 17.24.050 (B))

According to the discussion from the planning commission, the city code would read:

B. Distance between structures. Structures that are located on the same lot or parcel of property shall be separated by a distance that is in compliance with applicable building codes.

Previous ICC codes required that specific distances be maintained between structures on the same lot. Since then, the ICC has updated it regulations and does not specify how far structures on the same property should be apart. With this update, many cities such as Centerville, Bountiful and Woods Cross still require distance between structures. This may be so that the cities maintain a certain aesthetic and community feel.

Main structures and accessory structures have different setback requirements. If an accessory structure may be place very close to the main structure while at the same time taking advantage of loser setback requirements, this may defeat the purpose of setbacks and create unforeseen situations. The commission reviewed how each of the sections would read with the language change.

17.16.050 Yard Regulations

B. Distance between ~~main~~ structures ~~and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet~~. Structures that are located on the same lot or parcel of property shall be separated by a distance that is in compliance with applicable building codes.

17.20.050 Yard Regulations

B. Distance between ~~main~~ structures ~~and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet.~~ Structures that are located on the same lot or parcel of property shall be separated by a distance that is in compliance with applicable building codes.

17.24.050 Yard Regulations

B. Distance between ~~main~~ structures ~~and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet~~. Structures that are located on the same lot or parcel of property shall be separated by a distance that is in compliance with applicable building codes.

Action Taken:

Laura Mitchell moved to open the public hearing for public comment on Amending Requirements for Distance Between Structure in Residential Zones at 7:36 pm. Dennis Vest seconded the motion and voting was unanimous in favor.

Public Comment:

Dustin Shilling stated that he is in favor of the new language proposed as long as building code is followed.

Stacey Shilling is in favor of the new language proposed at zero feet so all property owners can use their own property the way they want.

Note: *After the meeting was over and the Shilling's heard the discussion between staff and commission, they both retracted their public comment.*

Action Taken:

Robert Merrick moved to close the public hearing for public comment on Amending Requirements for Distance Between Structure in Residential Zones at 7:39 pm. Tyler Payne seconded the motion, and voting was unanimous in favor.

Duane explained some possible things the commission may consider and reviewed city code regarding setbacks. He explained setbacks as in 17.24.050 Yard Regulations. He wanted to make sure that is what they really want to do.

Some discussion took place regarding some examples of what this would look like. Duane pointed out some possibilities to still look at with setbacks in mind. Further discussion took place.

Duane Huffman suggested that staff look at some different options and bring them back for their review and consideration. The commissioners concurred.

3. Consider Recommendation to City Council- Amending Requirements for Distance Between Structure in Residential Zones.

Action Taken:

Dennis Vest moved to table the proposed Amending Requirements for Distance Between Structures in Residential Zones to the City Council for their review and approval until the item is further reviewed. Laura Mitchell seconded the motion, and voting was unanimous in favor.

4. Code Change Application – Front Yard Fence Regulation- Burnell

Commissioner packets included a memorandum from Staff on October 4, 2024 regarding Front Yard Fence Code Change Application (17.50.030) as requested from Thomas Burnell, an application to rezone/change text with a proposed language change and the site plan for the proposed change for front yard fence regulations.

Duane Huffman explained that two individual Mr. Bushman and applicant Mr. Burnell the owner of Lot 15 in the Highgate subdivision (1253 W Highgate Ave), own lots that have a very wide width. Mr. Bushnell has submitted an application to build a fence within his front yard. Images were shown on overhead screen and discussed among the commissioners.

West Bountiful city code does not currently allow 6ft front yard fences anywhere within 15' of the sidewalk or the right of way. The proposed text change would change that for all residents in West Bountiful residing in the applicable zones. It reads:

"For properties in the A1 zone, with roadway frontages exceeding 200', front yard fences of at least seventy percent (70%) transparency are allowed up to a six (6) feet in height with an offset of at least 20' from the front side façades of the primary residence, with a setback of six (6) feet from the property line along the roadway frontage." Property line is considered to begin at the back side of the sidewalk.

Mr. Brett Burnell took the stand and pointed out that the fence he wants to erect is a clear view fence along the side yard not in front of the house structure. He pointed out it looks lots better than weeds. They desire privacy, security and keeping stray animals off their property.

Commissioners were concerned with landscaping in front of the fence being an obstruction. Some discussion took place.

Duane Huffman pointed out they must meet the clear view code as it is presently written. Discussion took place regarding all sides of the fence and some possible scenarios that could occur. There would need to be something in the language that says clear view takes precedence and landscaping must maintain a line of site. Duane pointed out that site is not the only thing considered. It has to do with the look and feel of the community. He added that if this language is changed it will change for all the residential zones.

The commission determined that site triangle and site views need to be included in the language. A public hearing will be scheduled to for the next meeting.

Further discussion took place regarding different scenarios in the different zones. Mr. Huffman invited the commission to look at a new fence located on Porter Lane that did not have a permit and is not within code regulations.

5. Discussion on Land Use Code Enforcement.

Duane Huffman explained that the city is experiencing an increase in land use violations, both in terms of structures and uses. This is likely due in part to increasing land values, resulting in property owners trying to further maximize how properties are used beyond what has been traditional in residential zones.

He desired to have a brief discussion with the planning commission this evening to get their vision and input on what land use code enforcement in West Bountiful should look like. Items of concern and to be discussed were:

- Properties with illegal uses – potentially things like non-complying ADUs, non-complying home occupations, improper uses of residential properties (e.g. storage).
- Properties with illegal structures – potentially things like setback violations, structures built without a permit, etc. Properties with subdivision violations.

Mr. Huffman noted that currently the main tool that the city has used is a letter of non-compliance that is recorded at the county. Any violation of the code is a Class B Misdemeanor and a new buyer would not be able to get a loan for the property if the non-compliance issue was not satisfied.

Chairman Malan suggested using a step process with a letter of warning and a timeline to complete, followed by a citation, then open a court case if the matter is still not resolved. Presently they receive a citation from the Police Department and then prosecuted if not addressed. If the commission and council approved an administrative citation could be administered by staff, and an appeal process would be put into place. This is a friendlier way of dealing with things rather than a criminal citation. Liens can be put on property, or they could be sent to collections if the citation was not paid. A due process would need to be put in place as well.

Dennis stated that priorities need to be in place as to what we feel is most important. City Council would be implementing the system.

Richard Hendrix was here to support the corner lot fences but spoke regarding this issue to be tied to the quality of life in a community. He knows that there are example in other cities that can be used as a successful template so the wheel does not have to be reinvented. He feels it is a very important conversation to have as the process would be defending a way of life. He encouraged the commission to take their time with this and study things out thoroughly.

6. Approval Meeting Minutes from September 24, 2024.

Action Taken:
Robert Merrick moved to approve the minutes from the September 24, 2024, Planning Commission Meeting as presented. Dennis Vest seconded the motion, and voting was unanimous in favor.

7. Staff Report

a. Engineering (Kris Nilsen)- excused

b. Community Development – Duane Huffman

- 1200 North will be completed by the end of this week. They are not planning to stripe it.
- Final concrete will be poured at the park and then the toy will be put in place in about 2 weeks.
- The Hugoe Subdivision has received final review using the new process. They are the first use the new process.
- Ivory Homes has received a list of things from the city to work on regarding their develop plans.
- Fall Clean Up begins this Thursday, and runs through Friday and Saturday. It is located at the new public works property.
- Traffic Study on 400 North is still pending.

8. Adjourn

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:33 pm. Dennis Vest seconded the motion. Voting was unanimous in favor.

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