

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

City Recorder
Remington Whiting

**City Council
Representative**
Dell Butterfield

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

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 22nd, 2024, AT THE CITY OFFICES.**

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

1. Confirm Agenda.
2. Public Hearing – Amending Front Yard Fence Regulations (WBMC 17.50.030).
3. Consider Recommendation to City Council – Amending Front Yard Fence Regulations.
4. Code Change Application - Front Yard Fence Regulations – Willey.
5. Consider Preliminary Plat for Highgate II.
6. Discussion on Home-Based Microschools and Micro-School Entities.
7. Approve Meeting Minutes from October 8th, 2024.
8. Staff Reports.
9. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCity.org),
and posted at City Hall on October 18th, by Remington Whiting, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: October 18th, 2024

FROM: Staff

RE: Front Yard Fence Code Change Applications

Burnell Application

On October 3rd, 2024, Mr. Thomas Burnell submitted an application to change the text of the West Bountiful City Code regarding fences in front yards. The application specifically requests to change the text to allow 6 ft front yard fences anywhere within 6' of the sidewalk or the right of way when: the property has 200' or more of frontage; the fence is at least 70% transparent; and the fence is at least 20' from the side of the primary residence.

After an initial review, the planning commission suggested removing a requirement that this be applied only in the A-1 zone, and to make sure that clear view requirements would still govern any application of the code. According to the discussion from the planning commission, the city code would read (note that the clear view requirements are stated in the open sentence of Section 17.50.030):

17.50.030 Front Yard Fences

Subject to the clear view area regulations in this chapter, fences installed in a front yard shall comply with the following requirements:

- A. A fence that is seventy percent (70%) or more open is allowed up to four (4) feet in height.
- B. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to four (4) feet in height if located three (3) feet or more from the front street right of way or sidewalk, whichever is closer to the primary building on the lot. In addition, such a fence, or hedge is allowed up to six (6) feet in height if located fifteen (15) feet or more from the front street right of way or sidewalk.
- C. For properties 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.
- D. A building permit must be secured for construction of all front yard fences.

A public hearing for this proposal is set for the Oct. 22nd planning commission meeting.

Willey Application

After the planning commission reviewed the Burnell proposal, Mr. Todd Willey (1280 W Highgate Ave.) also submitted an application to amend front yard fence regulations on October 9th, 2024. This proposal would allow for fences to be 6' in the front yard and 8' in the backyard, provided that the fences are 70% clear or greater (see attached).

As both proposals deal with front yard fences, the planning commission may consider:

- A. Moving forward with a recommendation on the Burnell proposal while taking more time considering the Willey proposal separately:
 - i. The Willey proposal would have far greater implications across the city.
- B. Combining the proposals for purposes of a single recommendation to the city council.

FROM: Mark Morris, PLA, LEED AP
TO: Duane Huffman, West Bountiful City
RE: **Proposed Fence Ordinance Update**
DATE: Wednesday, October 9, 2024
MEETING:



Duane,

Thank you for the information about your current city ordinance for fencing in residential zones.

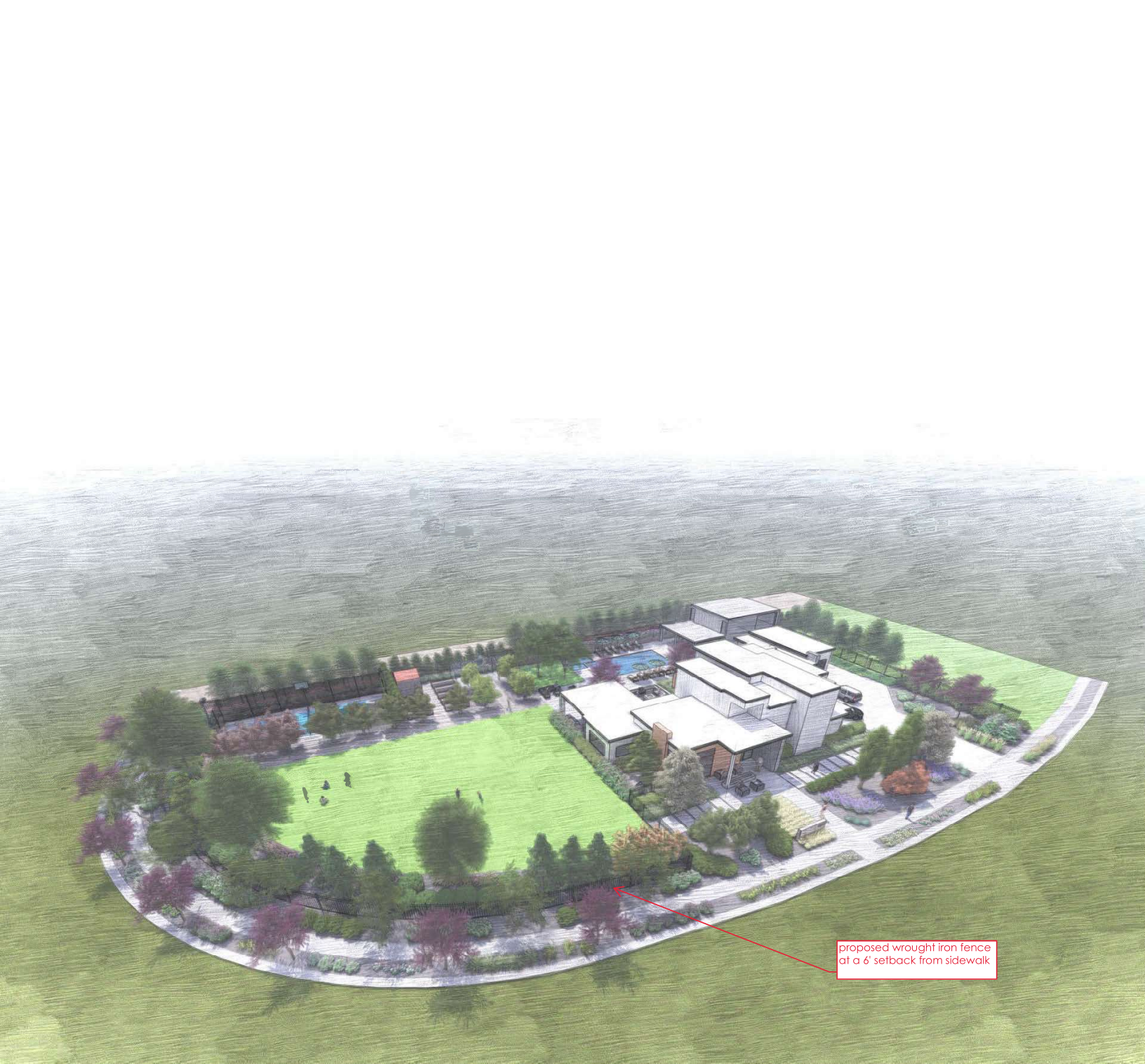
I have put together some proposed language for consideration to adjustments to your current fencing ordinance. Please let me know your thoughts on what is proposed here:

Current code language:

17.50.030 Front Yard Fences

Subject to the clear view area regulations in this chapter, fences installed in a front yard shall comply with the following requirements:

1. A fence that is seventy percent (70%) or more open is allowed up to four (4) feet in height.
2. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to four (4) feet in height if located three (3) feet or more from the front street right of way or sidewalk, whichever is closer to the primary building on the lot. In addition, such a fence, or hedge is allowed up to six (6) feet in height if located fifteen (15) feet or more from the front street right of way or sidewalk.
3. **For properties 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.**
4. A building permit must be secured for construction of all front yard fences.



proposed wrought iron fence
at a 6' setback from sidewalk



PUBLIC SIDEWALK,
EXISTING
CONDITIONS, 2023



PROPOSED 6' SETBACK
WITH MORE THAN 70%
FENCE TRANSPARENCY



20' OFFSET FROM FRONT CORNER
FACADE OF HOME TO PRESERVE
'FRONT YARD' OPENNESS



APPLICATION TO REZONE/CHANGE TEXT

West Bountiful City

PLANNING AND ZONING

550 N 800 W

West Bountiful, UT 84087

(801) 292-4486

www.WBCity.org

PROPERTY ADDRESS: 1280 W. High Gate Ave. DATE OF APPLICATION: 10-9-24

PARCEL NUMBER: _____ CURRENT ZONE: A-1 PROPOSED ZONE: _____

LEGAL DESCRIPTION ATTACHED: YES NO

Applicant Name(s): Todd Willey

Applicant Address (if different than above): _____

Primary phone: 801-548-2817 E-mail address: todd.willey15@gmail.com

Describe in detail the request for which this application is being submitted and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

Front yard Fencing: The ordinance that governs the Height is not serving public interest or safety and needs to be amended. I would like to propose new text to the ordinance allowing 6' Fence in the Front yard and a 8' Fence in the back yard, provided the Fence is 70% clear or greater.

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 10-9-24

Applicant Signature: Todd Willey

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: 10/9/24

Public Hearing Date: _____

Letters sent to affected neighbors: _____

Planning Commission Approval: _____

City Council Approval: _____

MEMORANDUM



TO: Planning Commission

DATE: October 18, 2024

FROM: Kris Nilsen – City Engineer and Staff

RE: Highgate No.2 Phase 1 Subdivision – Preliminary Plat Subdivision Application

Blackgate Investments, LLC has applied for Preliminary Plat Subdivision approval for a six (6) lot subdivision connecting to the west end of the existing Highgate Estates Subdivision. The proposed subdivision site is a westerly extension of Wellington Avenue (10 North) west of 1450 West Street, along the south bank of the A-1 Drain. The property is within the Agricultural District, A-1 and consists of 7.42 acres. The lots meet A-1 District Zoning Requirements for size and frontage (as represented).

Purpose. Preliminary Plat Subdivision Application provides a formal review and a preliminary approval of a subdivision to minimize changes and revisions which might otherwise be necessary on the final plat. Approval of the preliminary plat by the planning commission does not constitute final acceptance but authorizes the subdivider to proceed with preparations of plans and specifications for final plat in accordance with WBC 16.16.030 Final Plat.

PRELIMINARY PLAT REVIEW WBC 16.16.020.

The following checklist has been provided to the applicant. **Items in bold text are relative comments by the City Engineer. The applicant has addressed all items in the provided checklist the satisfaction of the City Engineer.**

- A. The preliminary plat shall be drawn to a scale not smaller than 100 feet to the inch and shall include the following information:
 1. The proposed name of the subdivision;
 2. The location of the subdivision as it forms part of a larger tract or parcel, including a sketch of the future street system of the un-platted portion of the property;
 3. A vicinity map of the proposed subdivision, drawn at a scale of 500 ft. to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets;
 4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
 5. A contour map drawn at intervals of at least one foot, showing all topographic features with verification by a qualified engineer or land surveyor;
 6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a Utah registered land surveyor;
 7. The boundary lines of the tract to be subdivided, with all dimensions shown;
 8. Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply laterals, mains and culverts and other utilities within the tract or within 100 feet;
 9. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots showing the size of each lot in square footage and properly labeling spaces to be dedicated to the public;
 10. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 100 ft. of the boundary, showing whether recorded or claimed by usage; the location and dimensions to the nearest

existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography;

11. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale.
12. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within 200 ft., and all known wells or springs as well as the location of any 100-year flood plains as determined by FEMA;
13. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
14. Boundary lines of adjacent tracts of unsubdivided land within 100 ft. of the tract proposed for subdivision, showing ownership and property monuments;
15. Verification as to the accuracy of the plat;
16. Each sheet of the set shall also contain the name of the project, scale (not less than 100 ft. to the inch, except vicinity map), sheet number, and north arrow.

B. In addition to the foregoing plat, the subdivider shall provide the following documents:

1. A storm water plan in accordance with 16.28.060 Hydrology Report.
2. A plan for providing street lighting in the subdivision in compliance with the city's design standards;
3. Copies of any agreements with adjacent property owners relevant to the proposed subdivision;
4. A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations in accordance with the city's design standards;
5. A copy of a preliminary title report evidencing satisfactory proof of ownership;
6. 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 and approved;
7. A Davis County development and construction permit, if the proposed project is located within one hundred (100) feet of a critical flood area as defined by Davis County;
8. Copies of proposed protective covenants in all cases when subsurface drains are to be located within the subdivision;

A. Ownership, Operation and Maintenance of all proposed private subsurface drains and storm drain improvements are addressed on the plat in note 8.

i. NOTE 8. THE CITY IS NOT RESPONSIBLE FOR MAINTENANCE OF THE DETENTION AREA, RETENTION AREA, STORM DRAINPIPE, STORM SYSTEM, STRUCTURE, ETC., OUTSIDE RIGHT-OF-WAY. IT IS THE RESPONSIBILITY OF EACH LOT OWNER TO MAINTAIN ANY DETENTION AREAS, RETENTION AREAS, STORM DRAINPIPES, STORM SYSTEMS, STRUCTURES, ETC., LOCATED ON THEIR LOT.

9. When the subdivider is not an individual corporation or registered partnership, a notarized statement bearing the signatures of all owners of record of the property to be subdivided which designates a single individual who shall act for and on behalf of the group in all

- appearances before public bodies, agencies or representatives necessary to execute the purpose of subdividing the property; and
10. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the preliminary plat a preliminary copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas.
 11. The subdivider shall also comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the city.

Recommendation By City Engineer:

After review of the Preliminary Plat Subdivision Application Submittal, I (City Engineer) recommend Preliminary Plat Subdivision approval by the Planning Commission with the condition that review comments (if any) shall be addressed prior to application for final plat.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23,
TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH



GENERAL NOTES

- [illegible]

ROADWAY NOTES

1. UNLESS OTHERWISE NOTED, ROADWAY CUT AND FILL SLOPES SHALL BE 3:1 MINIMUM.
2. THE IMPORTED STRUCTURAL FILL WITHIN THE ROAD RIGHT OF WAY SHALL BE FOR NEXT ADJACENT CITY SPECIFICATIONS WITH RESPECT TO MATERIAL TYPE AND COMPACTION.
3. FINISH GRADES ARE AT ROADWAY CENTERLINE, UNLESS OTHERWISE NOTED.

DRY UTILITY NOTES

- [illegible]

PROJECT BASIS OF BEARING AND BENCHMARK

PROJECT EASE OF READING:
THE PROJECT EASE OF READING IS SOUTH 000°47' EAST BETWEEN THE CENTER OF SECTION 23 (TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN), A FOUND BRASS CAP, AND THE SOUTH 00°01' CORNER OF THE SOUTHWEST CORNER OF SECTION 23, A FOUND BRASS CAP.

PROJECT EASEMENTS:
THE PROJECT EASEMENTS ARE THE SOUTHWEST CORNER OF THIS SECTION, SECTION 23, A FOUND BRASS CAP, NADAR, AND THE CENTER OF SECTION 23, A FOUND BRASS CAP.

WEST BOUNTIFUL WATER NOTES

- [illegible]

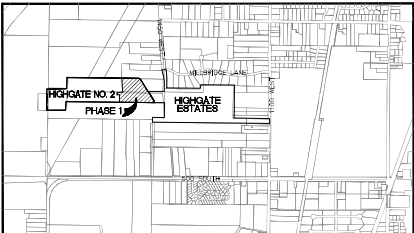
SANITARY SEWER NOTES

2. ALL SENIOR CONSTRUCTION SHALL BE IN ACCORDANCE WITH SOUTH CAROLINA SENIOR HOUSING STANDARDS AND SPECIFICATIONS.
3. ALL SENIOR WALKS AND PATTERNS SHALL COMPLY WITH THE ADMINISTRATION CODE 800-006061.
4. THE MINIMUM REQUIRED SEPARATION BETWEEN WATER AND SANITARY SEWER INCLUDING LATERALS IS 10 FEET.
5. ALL LATERALS SHALL BE LOCATED IN THE SHEDS OR AREAS AND BE PROTECTED FROM FREEZING TO FREEZE WALL OR WINDHOLE. SENIOR WALK SLOPES ARE CALCULATED USING 1/8" PER 1'.
6. UNLESS OTHERWISE NOTED, SENIOR SLOPES SHALL BE 1/8" PER 30" INCHES, 1/4" PER 1'.
7. ALL SENIOR SEWER LATERALS SHALL BE 12" UNLESS OTHERWISE NOTED. 1/4" MIN SLOPE OF 1' LATERAL IS 30". ALL LATERALS SHALL BE EXTENDED 20' BEYOND THE END OF CURB.

WEBER BASIN WATER IRRIGATION NOTES

- [illegible]

VICINITY MAP



PROJECT OWNER

BLACK GATE INVESTMENTS, LLC
CONTACT: JAY COUGH OR TOSH WILLEY
PHONE: 901-548-1817
66 EAST 1200 SOUTH
BOONVILLE, UTAH 84010

SHEET INDEX

C201	COVER SHEET
1 OF 8	HIGHWAY NO. 2 PHASE 1 PLAN
C201	MASTER UTILITY PLAN
C202	MASTER GRADING AND DRAINAGE PLAN
C203	MASTER EROSION CONTROL PLAN
C301	WELLINGTON AVENUE PLAN AND PROFILE
C302	WELLINGTON AVENUE PLAN AND PROFILE
C401	CONSTRUCTION DETAILS
C402	CONSTRUCTION DETAILS

8	WEST BOUNTIFUL CITY COMMENT	5/2/24
7	WEST BOUNTIFUL CITY COMMENT	12/28/23
6	MOVED AIR/AC VALUE	12/28/23
5	REVISION TO UTILITIES, ADDED CURB & GUTTER IN CULDESAC	10/5/23
4	REVISION TO STORM DRAIN DISCHARGE SYSTEM	8/27/23
3	WEST BOUNTIFUL CITY COMMENT	8/24/23
2	WEST BOUNTIFUL CITY COMMENT	8/16/23
1	WEST BOUNTIFUL CITY COMMENT	8/9/23

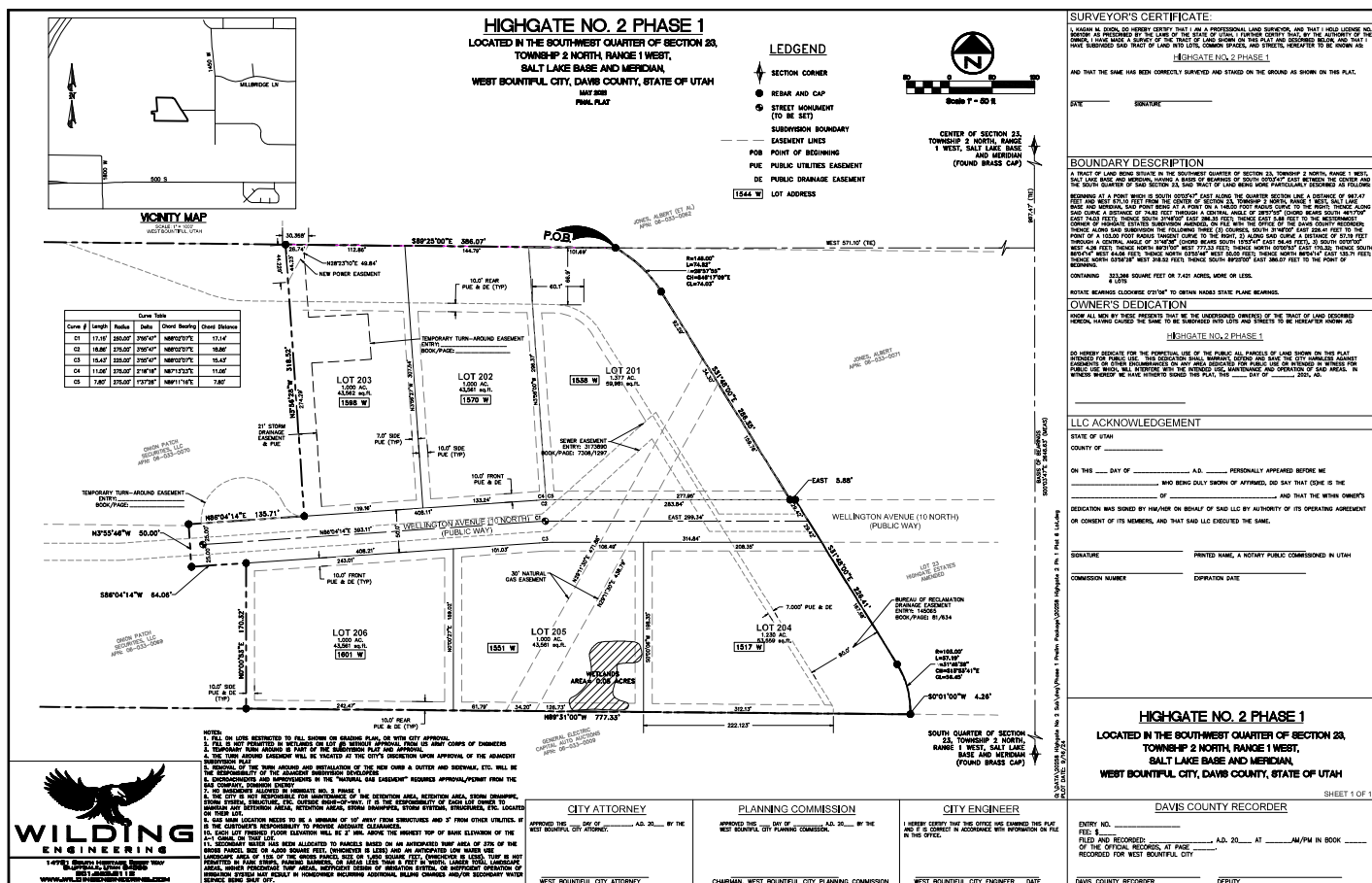
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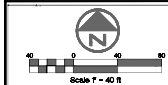
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PHASE 1
COVER SHEET

WEST BOUNTIFUL, UTA

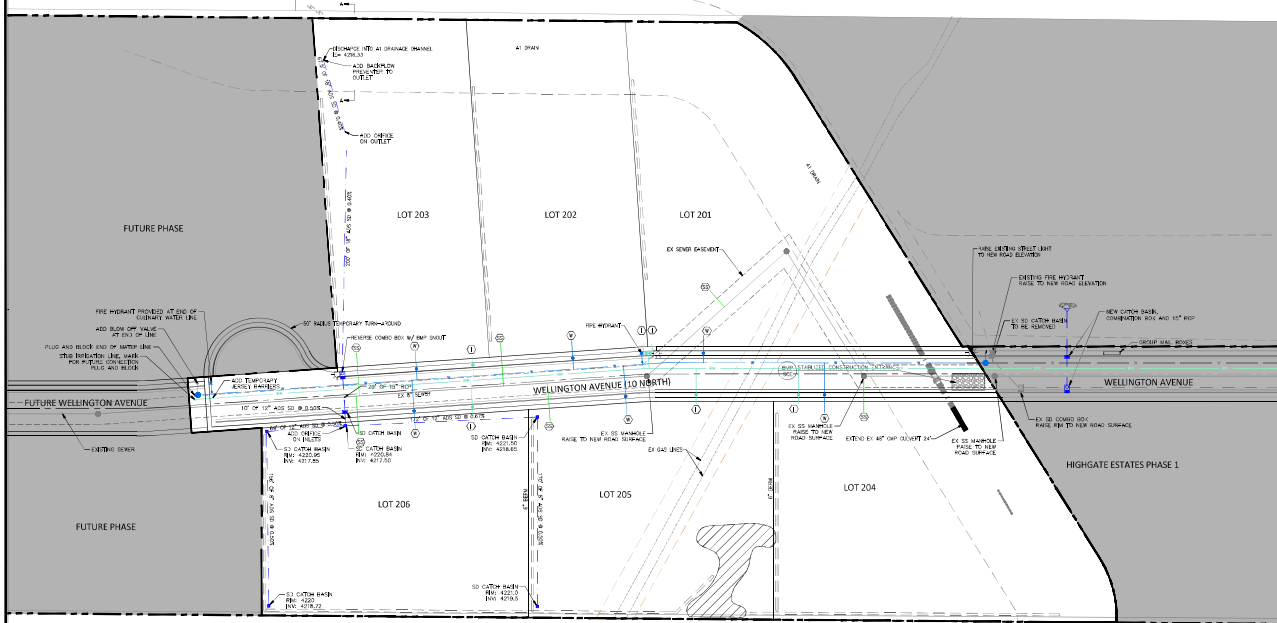
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- GENERAL NOTES
1. NATURAL GAS, POWER AND TELECOMMUNICATIONS TO BE LOCATED UNLESS OTHERWISE INDICATED BY THESE UTILITY RECORDS ON THE LOTS.
 2. EXISTING UTILITIES ARE SHOWN AS THEY EXIST. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND SURVEYS. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS.
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LEGEND

—	EXISTING WATERLINE
—	EXISTING FIRE HYDRANT
—	PROPOSED WATERLINE
—	PROPOSED FIRE HYDRANT
—	EXISTING SEWER
—	PROPOSED SEWER
—	EXISTING GAS
—	PROPOSED GAS
—	EXISTING ELECTRIC
—	PROPOSED ELECTRIC

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100	WEST BOUNTIFUL CITY COMMENT	5/3/24

PROJECT INFORMATION

HIGHGATE NO. 2

MASTER UTILITY PLAN

WEST BOUNTIFUL, UTAH

DESIGNED BY	TMC	CHECKED BY	DPW	DATE	5/24/21
SCALE	1" = 40'				
PROJECT NO.	C201				

ENGINEER'S STAMP

MEMORANDUM



TO: Planning Commission

DATE: October 18th, 2024

FROM: Staff

RE: Discussion on Home-Based Microschools and Micro-Education Entities

This memo introduces the topic of home-based microschoools and micro-education entities.

Background

The Utah State Legislature recently adopted amendments to UCA 10-9a-305 regarding charter schools, home-based microschoools, or micro-education entities. Most notably, these uses are now required to be permitted in all zoning districts within a municipality.

“Home-Based Microschool” are defined as an individual or association of individuals that:

- i. registers as a business entity in accordance with state and local laws; and
- ii. for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.

“Micro-Education Entities” are defined as a person or association of persons that:

- i. registers as a business entity in accordance with state and local laws; and
- ii. for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.
- iii. Micro-education entities do not include daycares, private schools, or schools in within the public

The new provisions of state code include the following regarding what cities can do in terms of land use regulations for these types of uses:

UCA 10-9a-305

(10) Nothing in Subsection (7) prevents a political subdivision from:

- (a) requiring a home-based microschool or micro-education entity to comply with municipal zoning and land use regulations that do not conflict with this section, including:

- (i) parking;
- (ii) traffic; and

- (iii) hours of operation;
- (b) requiring a home-based microschool or micro-education entity to obtain a business license;
- (c) enacting municipal ordinances and regulations consistent with this section;
- (d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
- (e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

Discussion

The West Bountiful Municipal Code does not currently address these uses. As they are allowed in and intended for residential zones, the planning commission may wish to consider regulations to protect the residential character of neighborhoods.

To assist with initiating a discussion, staff has found the attached regulations from other cities in Utah (attached).

LONG TITLE

General Description:

This bill provides a home-based microschool and micro-education entity with certain similar duties, requirements, waivers, and rights as private and charter schools.

Highlighted Provisions:

This bill:

- defines terms;
- requires a county and municipality to consider a home-based microschool and micro-education entity as a permitted use in all zoning districts within a county and municipality;
- identifies the occupancy requirements to which a micro-education entity is subject;
- requires a local school board to excuse a student who attends a home-based microschool or micro-education entity under certain circumstances;
- provides that an instructor of a school-age child who attends a home-based microschool or micro-education entity is solely responsible for instruction, materials, and evaluation;
- prohibits a local school board from requiring a home-based microschool or micro-education entity to provide teaching credentials, submit to inspection, and conduct testing;
- prevents government entities from regulating home-based microschool and micro-education entity food preparation and distribution under certain circumstances;
- requires a home-based microschool and micro-education entity to register as a business;
- exempts a student who attends a home-based microschool or micro-education entity from immunization requirements; and
- makes technical and conforming changes

Utah Code Sections Affected:

AMENDS:

10-9a-103, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478
10-9a-305, as last amended by Laws of Utah 2023, Chapter 16
10-9a-529, as last amended by Laws of Utah 2023, Chapter 16
17-27a-103, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478
17-27a-305, as last amended by Laws of Utah 2023, Chapter 15
32B-1-102, as last amended by Laws of Utah 2023, Chapters 328, 371 and 400
53G-6-201, as last amended by Laws of Utah 2021, Chapters 113, 261 and 427
53G-6-706, as last amended by Laws of Utah 2019, Chapter 293
53G-9-301, as last amended by Laws of Utah 2023, Chapter 328

ENACTS:

53G-6-212, Utah Code Annotated 1953

Section 2, Section 10-9a-305 is amended to read:

- (f) (i) A micro-education entity may operate in a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).
 - (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):
 - (A) may have up to 100 students in the facility; and
 - (B) shall have enough space for at least 20 net square feet per student.
 - (g) A micro-education entity may operate in a facility that is subject to and complies with the same occupancy requirements as a Class B Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:
 - (i) the facility has a code compliant fire alarm system and carbon monoxide detection system;
 - (ii) (A) each classroom in the facility has an exit directly to the outside at the level of exit or discharge; or
 - (B) the structure has a code compliant fire sprinkler system;
 - (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet; and
 - (iv) the facility has enough space for at least 20 net square feet per student.
 - (h) (i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschool shall have enough space for at least 35 net square feet per student.
 - (ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated by Section 15A-1-210.
- (10) Nothing in Subsection (7) prevents a political subdivision from:
- (a) requiring a home-based microschool or micro-education entity to comply with municipal zoning and land use regulations that do not conflict with this section, including:
 - (i) parking;
 - (ii) traffic; and
 - (iii) hours of operation;
 - (b) requiring a home-based microschool or micro-education entity to obtain a business license;
 - (c) enacting municipal ordinances and regulations consistent with this section;
 - (d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
 - (e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

Section 5, Section 17-27a-305 is amended to read:

(f) (i) A micro-education entity may operate a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).
(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):
(A) may have up to 100 students in the facility; and
(B) shall have enough space for at least 20 net square feet per student;
(g) A micro-education entity may operate a facility that is subject to and complies with the same occupancy requirements as a Class B Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:
(i) the facility has a code compliant fire alarm system and carbon monoxide detection system;
(ii) (A) each classroom in the facility has an exit directly to the outside at the level of exit discharge; or
(B) the structure has a code compliant fire sprinkler system;
(iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet; and
(iv) the facility has enough space for at least 20 net square feet per student.
(h) (i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschool shall have enough space for at least 35 square feet per student.
(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated in Section 15A-1-210.

(10) Nothing in Subsection (7) prevents a political subdivision from:
(a) requiring a home-based microschool or micro-education entity to comply with local zoning and land use regulations that do not conflict with this section, including:
(i) parking;
(ii) traffic; and
(iii) hours of operation;
(b) requiring a home-based microschool or micro-education entity to obtain a business license;
(c) enacting county ordinances and regulations consistent with this section;
(d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
(e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.
(11) Notwithstanding any other provision of law, the proximity restrictions that apply to community locations do not apply to micro-education.

53G-6-201. Definitions.

As used in this part:

- (1) (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.
- (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.
- (2) "Educational neglect" means the same as that term is defined in Section 80-1-102.
- (3) (a) "Home-based microschool" means an individual or association of individuals that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.
- (b) "Home-based microschool" does not include a daycare.
- (4) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.
- (5) (a) "Micro-education entity" means a person or association of persons that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.
- (b) "Micro-education entity" does not include:
 - (i) a daycare;
 - (ii) a home-based microschool;
 - (iii) a private school; or
 - (iv) a school within the public education system.

53G-6-212. Home-based microschool and micro-education entity waivers and exemptions.

- (1) A home-based microschool or micro-education entity:
 - (a) may form to provide education services to school-age children; and
 - (b) is not an LEA, a public school, or otherwise a part of the public education system.
- (2) A local health department may not require a home-based microschool or micro-education entity to obtain a food establishment permit or undergo an inspection in order to prepare or provide food if staff of the home-based microschool or micro-education entity does not prepare and serve food.

Section 11. Effective date

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This bill takes effect on May 1, 2024.

Chapter 3-12 Home-Based Microschool and Micro-Education Entity

3-12-1 Definitions

3-12-2 Purpose

3-12-3 Business License Required

3-12-4. Applicable Zoning and Land Use Regulations.

3-12-5. Parking

3-12-6. Traffic plan

3-12-7. Hours of Operation

3-12-8. Regulations on the Location of a Project that are Necessary to Avoid Risks to Health or Safety

3-12-1 Definitions:

See [UCA 53G-6-201](#) for the definitions of the following terms: home-based microschool and micro-education entity.

3-12-2: Purpose

The purpose of this chapter is to establish requirements, in addition to those listed in Utah Code, for home-based microschools and micro-education entities regarding:

- A. business license;
- B. applicable zoning and land use regulations
- C. parking;
- D. traffic;
- E. hours of operations; and
- F. regulations on the location of a project that are necessary to avoid risks to health or safety.

3-12-3: Business License Required.

The applicants for a home-based microschool or a micro-education entity shall fill out and file with the city, a business license application as required under the provisions of PCC Chapter 3-1. The provisions set forth shall be controlling as to all matters relating to the requirements for and issuance of a license, license fees, exemptions, renewals, etc. A fire safety inspection will be required with the initial business license approval and annually, prior to the business license renewal.

3-12-4. Applicable Zoning and Land Use Regulations.

- A. A home-based microschool shall comply with the area and setback regulations for each zoning district as listed in PCC 10-8-1 Area Regulations, 10-8-3 Setbacks, and 10-8-4 Height. Compliance with applicable sections in PCC Chapter 10-9 Supplementary Regulations Within All Districts, and PCC Chapter 10-12 Accessory Buildings, Dwellings, and Structures is also required.
- B. A micro-education entity, as per UCA 10-9a-305(7) may operate in a facility that meets Group E Occupancy or a Class B Occupancy as defined by the International Building Code, and shall comply with the standards within each zoning district pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation and construction staging. These standards are listed in PCC 10-8-1 Area Regulations, 10-8-3 Setbacks, and 10-8-5 Commercial Zoned Districts, Site plan; PCC Chapter 10-9 Supplementary Regulations within All Districts and the Providence City Public Works Standards and Specifications Manual.
- C. These lists are not all-inclusive. Additional rules and regulations may apply.

3-12-5. Parking.

- A. Off-street parking requirements for all zoning districts are listed in PCC 10-8-6.
- B. In addition to the dwelling unit parking requirements listed in PCC 10-8-6.A.1., a home-based microschool shall provide sufficient parking and needed facilities for employees and customers completely and entirely on homeowners land containing the primary dwelling or an adjacent parcel owned by the homeowner.
- C. The applicants for a home-based microschool or a micro-education entity shall provide a parking plan.

53 3-12-6. Traffic plan.

54 The applicants for a home-based microschool or a micro-education entity shall provide a traffic plan depicting the
55 desired routes for all modes of transportation.

56
57 3-12-7. Hours of Operation.

58 The hours of operation shall be with the hours of 6:00 AM and 10:00 PM. The applicants for a home-based
59 microschool or a micro-education entity shall include the normal hours of operation on the application for a
60 business license.

61
62 3-12-8. Regulations on the Location of a Project that are Necessary to Avoid Risks to Health or Safety.

63 While a home-based microschool or micro-education entity is considered a permitted use in all zoning districts
64 within the city, some locations may have risks to health or safety.

- 65 A. PCC Chapter 10-5 Sensitive Areas defines nondevelopable sensitive areas and potentially developable
66 sensitive areas; and lists the regulations and requirements for development in sensitive areas.
67 B. Certain designated zones within the city allow for a sexually oriented business or a business which sells
68 alcohol. A micro-education entity is prohibited from a location which would otherwise defeat the purpose
69 for the zone unless the micro-education entity provides a waiver.
70

**West Bountiful City
Planning Commission Meeting**

October 8, 2024

PENDING – NOT APPROVED

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 its 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 placed very close to the main structure while at the same time taking advantage of lesser 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.
