

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.*

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 18, 2024, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 22, 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:

STAFF ATTENDING: Duane Huffman (City Administrator), Remington Whiting (Community Development) Kris Nilsen (City Engineer), and Debbie McKean (Secretary).

PUBLIC ATTENDING: Thomas Burnell, Brett Dierick, Todd Willey, Ryan Larsen, Mark Morris, and Jay Gough

Thought by Commissioner Merrick

Pledge of Allegiance- Commissioner Malan

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

1. Confirm Agenda

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

2. Public Hearing- Amending Front Yard Fence Regulations (WBMC 17.50.030)

Remington Whiting explained that on October 3rd, 2024, 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 feet 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:

17.50.030 Front Yard Fences

C. For properties with roadway frontages exceeding 200 feet, front yard fences of a at least seventy (70%) percent transparency are allowed up to six (6) feet in height with an offset of at least 20 feet from the front side façade of the primary residence, with a setback of six (6) feet from the property line along the roadway frontage.

Action Taken:

Dennis Vest moved to open the public hearing for public comment on Amending Front Yard Fence Regulations (WBMC 17.50.030) at 7:35 pm. Laura Mitchell seconded the motion and voting was unanimous in favor.

Public Comment:

Thomas Burnell stated he is the one that requested the text change to the fencing code. He explained what he desired to do regarding a front yard clear view fence at 6 feet tall.

Action Taken:

Corey Sweat moved to close the public hearing for public comment on Amending Front Yard Fence Regulations (WBMC 17.50.030) at 7:36 pm. Robert Merrick seconded the motion and voting was unanimous in favor.

3. Consider Recommendation to City Council- Amending Front Yard Fence Regulations (WBMC 17.50.030)

Corey Sweat was not present at the previous meeting and so he inquired what the discussion regarding the clear site vision when a driveway would be located on either side of the property. He noted that fencing may not be a problem, but vegetation would become a problem as it matured. Currently there is no language for vegetation. Mr. Nilsen responded that he/staff review each property individually. There are setbacks of 6 feet that would protect that area. Our ordinance requires that trees must be kept trimmed at 8 feet when mature. The backside of the sidewalk is the point from where the 6 feet is measured.

Remington Whiting asked if the commission wants to consider the fence along Porter Lane when making the decision for tonight's text change. Commissioners responded that fence is not a permitted fence and is vinyl which does not have clear view. Some discussion took place. The fence is located approximately 20 feet from the side yard and is located on the side/corner part of the property. Commissioners did not want to add language to address this issue tonight.

Some discussion took place regarding the 8 ft fencing in the rear yard regulation instead of the current six-foot fence as proposed by another applicant on tonight's agenda.

Duane Huffman explained the difference between the proposals for the language change. Planning Commission can give approval in certain circumstances for an 8-foot fence in the back yard. The Willey application and recommendation is a broader proposal. Mr. Huffman suggests that the commission do further study on that application as it would impact all properties in city. It was decided that this issue would be considered as a separate matter.

Action Taken

Corey Sweat moved to forward the recommendation for a code change to 17.50.30 to Amendment for Front Fence Regulations to the City Council for their review and consideration of approval 17.50.030 Front Yard Fences C. For properties with roadway frontages exceeding 200 feet, front yard fences of a

at least seventy (70%) percent transparency are allowed up to six (6) feet in height with an offset of at least 20 feet from the front side façade of the primary residence, with a setback of six (6) feet from the property line along the roadway frontage and to discuss the Willey proposal on the next agenda. Laura Mitchell seconded the motion and voting was unanimous in favor.

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

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 9, 2024. This proposal would allow fences to be 6 feet in the front yard and 8 feet in the backyard, provided that the fences are 70% clear or greater.

As both proposals deal with front yard fences, the planning commission may consider moving forward with a recommendation on the Burnell proposal while taking more time considering the Willey proposal separately since the Willey proposal would have far greater implications across the city.

Todd Willey took the stand regarding his proposal for the language changes in 17.50.30 explaining there is the letter of the law and the spirit of the law. He noted that following the letter of the law would be adhere to the full intent of the law. The spirit of the law allows flexibility in considering the law. Mr. Willey stated that he used his background and knowledge in building and developing his home along the Mill Creek canal. He desires to protect his property and the investments. To do so, he feels the city's current ordinance 17.50.30 needs several amendments in order to provide clarity, reasonability, and flexibility for property owners. He suggested many changes. He pointed out that there are both clear view and solid fencing throughout the Highgate area and that fencing is working. He stated that it has little to do with the fencing and more to do with how the property is situation.

Mr. Huffman asked that Mr. Willey send the list of proposed changes to staff and commission for further review and consideration. Mr. Willey agreed to do so.

Corey Sweat informed Mr. Willey that we will take all of his thoughts and comments into consideration but the city has to maintain codes that protect the health, safety and welfares of the citizens.

Laura Mitchell requested that the proposals made be presented to the police for their comments.

5. Consider Preliminary Plat for Highgate II

Commissioner packets included a memorandum from Kris Nilsen – City Engineer and Staff regarding Highgate No.2 Phase 1 Subdivision – Preliminary Plat Subdivision Application on October 18, 2024 with attached site plans.

Kris Nilsen explained that 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).

He noted that the 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.

In accordance with PRELIMINARY PLAT REVIEW WBC 16.16.020 a checklist has been provided to the applicant. The applicant has addressed all items in the provided checklist the satisfaction of the City Engineer.

Action Taken:

Corey Sweat moved to approve the preliminary plat subdivision application for Highgate II a six-lot subdivision which has met all the requirements of preliminary plat with the condition that the staff comments (if any) are address per the memorandum date October 18, 2024. Dennis Vest seconded the motion and voting was unanimous in favor.

6. Discussion on Home-Based Microschools and Micro-School Entities

Commissioner packets included a memorandum from Staff dated October 18th, 2024 regarding a Discussion on Home-Based Microschools and Micro-Education Entities. This memo introduces the topic of home-based microschoools and micro-education entities. Information from two cities within Utah for home-based Microschools and Micro-School Entities were included in the packet.

Remington Whiting noted that 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. He provided information from two cities that have addressed this issue to date.

Some discussion took place regarding how this type of business would fit within the restrictions of residential areas in our city. Further discussion will take place. Staff will provide needed information to review for further discussion.

Duane Huffman explained the differences between Public and Charter Schools. He noted that these home-based Microschools are similar to home schools. It is not a private school but they receive compensation and offer education services. These are now permitted in any residential/commercial zone. Some issues that need to be considered are parking and traffic needs. There are many other issues as well.

Some discussion took place regarding parking issues that will be a safety concern and if our current ordinances are too restrictive to prohibit what state law allows. The city will need to hold them to our home occupations ordinances and other ordinances that would be affected. Commissioners are expecting there will be tons of conflicts with standing ordinances. It appears as if the two cities we have gathered information from have taken state code and adopted it for their city. Staff will do further research on this item before placing it on the agenda.

7. Approval Meeting Minutes from October 8, 2024

Action Taken:

Laura Mitchell moved to approve the minutes from the October 8 2024, Planning Commission Meeting as presented. Corey Sweat seconded the motion, and voting was unanimous in favor.

8. Staff Report

a. Engineering (Kris Nilsen)

- 1200 is close to being completed. Some shoulder grading is still left to be done and some fiber work.

b. Community Development – Remington Whiting

- Airport overlay will be ready for their review soon.
- Structure distance is still being studied.
- Bubert subdivision is still being reviewed and needs a drainage plan.

Duane Huffman reported that the state notified us that our moderate-income housing was in compliance. He informed the commission that Ivory Homes called today and reported that they are close to submitting new complete applications in the next few weeks. They still intend on being within the realm of a PUD.

Alan Malan noted an email received about training. He stated that there is one that is regarding rural neighborhoods which may be useful for us to review. It is a webinar. He will send out the link.

9. Adjourn

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:55 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

.....

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

A handwritten signature in dark ink, appearing to read "Remington Whiting", is written over a horizontal line.