

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, NOVEMBER 12TH, 2024, AT THE CITY OFFICES.**

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

1. Confirm Agenda.
2. Code Change Application – Front Yard Fence Regulations – Willey.
3. Code Change Application – Residential Rear Yard Setbacks – Schilling.
4. Discussion on Airport Overlay Zone.
5. Approve Meeting Minutes from October 22nd, 2024.
6. Staff Reports.
7. 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 November 8th, 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 November 8, 2024, per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 12, 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: Remington Whiting (Community Development) Kris Nilsen (City Engineer), and Debbie McKean (Secretary).

PUBLIC ATTENDING: Dustin and Staci Schilling, Buster Hafen, Todd Willey, Ryan Larson

Thought by Commissioner Malan

Pledge of Allegiance- Commissioner Sweat

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. Code Change Application- Front Yard Fence Regulations- Willey

Commission packets included a memorandum dated November 8, 2024 from Staff regarding Code Change Application- Front Yard Fence Regulation- Willey with a code change application and suggested changes to the ordinance.

Remington Whiting introduced a text change amendment application from Todd Willey, which requests changes to the city's front yard fence requirements, along with other clear view regulations. The following were Mr. Willey's proposed changes to 17.50.20 Clear View Area

He pointed out that before 2021, most front yard fences were not permitted under city code. After some discussion, an ordinance was adopted that permitted 4' tall front yard fences if they were located at least 3' from the sidewalk. They could extend up to 6' tall if they were 15' away.

Mr. Whiting noted the reasons why front yard fence regulations exist. They included visual Impact, traffic safety, community aesthetic, and pedestrian access.

The current ordinance allows for backyard and side yard fences up to 6', with the planning commission granted the authority to allow up to 8' fences when residential properties are next to non-compatible uses (WBMC 17.50.050).

On October 9th, 2024, Mr. Todd Willey submitted a Text Change Application for front yard fences. This application requests that land use code allow 6' fences in the front yard, and 8' fences in back yard if the fence was 70% clear or greater. Since the original application, Mr. Willey has amended the application to include additional changes to clear view regulations. These changes are presented as a redline document. The following are his proposed changes to the language in which the Commissioners reviewed this evening:

Chain link fences or fences located in the A-1 zone which are seventy percent (70%) or more open shall not exceed (6) feet in height above the top back of curb line or, if there is no curb, the edge of asphalt line for front and side yards.

Commissioners were not in favor of this proposal.

Trees more than these heights may be located or maintained on the street side, proved they are pruned clear at a height of (8) feet at a mature age of tree. Trees must be planted (10) feet apart on the street side. Tree canopies or other growth shall not block signs or signals.

Commissioners were not in favor of this proposal.

No vehicle parking is allowed during months prone to snowfall.

Commissioners did not discuss this proposal.

17.50.030 Front yard Fences

A. A fence that is seventy percent (70%) or more open is allowed up to (6) feet in height.

B. A fence, wall or hedge located in the A-1 zone and measured from three (3) feet top back of curb, such as fence is allowed up to six (6) feet in height provided it is (70%) clear. Walls and hedges cannot exceed Two (2) feet in height.

3. For properties in the A-1 zone, front yard and side yard fences of at least seventy percent (70%) transparency are allowed up to six (6) feet in height. With a set back of six (6) feet from top back of curb along the roadway frontage.

Mr. Whiting suggested that the planning commission may want to consider the following when reviewing Mr. Willey's proposals:

- Would this change to front yard fences be compatible with the General Plan for residential Zones?
- How would this change affect new development and the re-development of residential properties?
- The planning commission has already gone through an extensive review process regarding front yard fences in 2021. Is this something that needs to be reviewed again?
- The proposed application does not specify if this would only apply to interior lots. Would 70% clear or great provide enough of a visual to protect corner lots?
- How would taller backyard fences benefit West Bountiful City residents?

Commissioners made comments regarding the proposed language changes stating that safety including visual impact traffic safety community aesthetic and pedestrian access were all key points to consider in making any changes. After much discussion and consideration, the commissioners directed staff to bring back amended proposals for 17.50.030 as discussed, this evening. They were ask to bring back a larger view of options related to front yard fences and/or rear and side yard fences including diagrams of what various scenarios would look like.

Todd Willey stated the reason for the 20 feet request in his proposal is for protection and not just ascetics. He is in favor of the 70% Clearview to honor the integrity of the ordinance. Willey is very interested in maintaining security of a person's property.

3. Code Change Application- Residential Rear Yard Setbacks- Schilling

Commissioner packets included a memorandum dated November 8, 2024 from Staff regarding Code Change Application- Residential Rear Yard Setbacks- Schilling with a code change application from Dustin & Staci Schillings and a site plan.

Remington Whiting introduces a text change amendment application from Staci and Dustin Schilling related to rear yard setback requirements for main structures in the R-1-10 zone.

He noted that our current ordinance has a 30' setback requirement in the rear yard for main structures in all residential zones. After some investigation, city staff were able to determine that this requirement has existed since at least 1965 and possibly even longer.

Mr. Whiting noted the various reasons as to why setbacks in residential zones exist. Some of these reasons include:

- Usable backyards;
- Privacy;
- Noise mitigation;
- Safety and access in case of fires or other disasters;
- Aesthetic and predictable development patterns.

Remington Whiting stated that on October 25th, 2024, Dustin and Staci Schilling submitted a Text Change Application to change current setback regulations in the R-1-10 zone. The application requests to amend the current regulation of 30' down to 20' along 30% of the rear property line, while the remaining 70% maintains a 30' setback requirement. This proposal stems from the applicant's desire to build an addition that would extend into their current rear yard setback.

Mr. Whiting suggested that the planning commission consider the following before making changes:

- Would this change to rear yard setbacks be compatible with the General Plan for residential zones?
- How would this change affect new development and the re-development of residential properties?
- How would this change work with other yard requirements such as the requirement that no accessory or group of accessory structures cover more than 35% of a rear yard?
- Is it equitable to allow for accessory structures in rear yard setbacks but not parts of the main structure? For example, why can a detached garage enter the setback, but not an attached garage?
- Will future discussions about detached ADUs change the city's way of regulating rear yard setbacks?

Some discussion took place. Corey Sweat explained why he was not in favor of this proposal as it suggests spot zoning and he strongly opposes of changing setbacks in our code. The commissioners all concurred.

A public hearing will be set for the next scheduled meeting in order to send a recommendation to city council.

4. Discussion on Airport Overlay Zone

Commissioner packet included a memorandum dated December 8, 2024 from Staff regarding Airport Overlay Zone which would be a new code chapter 17.45 Airport Overlay Zone with attached Exhibits A & B.

Remington Whiting introduces a draft of the proposed airport overlay zone, which must be adopted in cities which contain an airport influence area by December 31, 2024, per HB 206.

Mr. Whiting explained that in 2023, the Utah State Legislature passed HB 206, establishing airport use amendments. These amendments establish land use requirements for land located within an airport influence area which is defined as land within 5,000 feet of an airport runway.

He stated that city staff, Cathy and Addison, had previously worked on drafting code which established the zone, but were never able to present it to the planning commission.

The overlay zone will include two small areas of land that will be located within the airport influence area, which are shown on the map that was displayed on the overhead. He noted that (Exhibit A) is the proposed draft that will address specific Airport Zoning Regulations along with conflicting regulations. (Exhibit B) is the proposed code.

Commissioner desired to move forward with the proposal and schedule a public hearing. Following the public hearing, the commission could then send a recommendation to the city council.

5. Approval Meeting Minutes from October 22, 2024

Action Taken:

Corey Sweat moved to approve the minutes from the October 22, 2024, Planning Commission Meeting as presented. Laura Mitchell seconded the motion, and voting was unanimous in favor.

6. Staff Report

a. Engineering (Kris Nilsen)

- Staff is sending out letters to all utility companies notifying them of the construction of 660 West. The current design is shifted 8 feet to the east. The west side of the street will remain as is. On the east side of the street all the property affected is in the city right of way. Their property will be involved in the construction, but the city will make the necessary improvements to their personal property consisting mostly with their driveways and not their landscaping.

- New Well was fixed but they were getting too much sound vibrations from the bearing repair. That has been resolved.
- Mr. Bubert will likely be at our next meeting with his subdivision.
- 1200 North still has an area that needs gravel. Steve is working with the company to get that completed.
- Nothing official has been turned in from Ivory Homes.

b. Community Development – Remington Whiting

- It was decided to hold the regularly scheduled meeting for planning commission November 26th.
- Group Home for troubled teenagers was denied.
- Doug Coons has submitted a proposal for his property on 800 West
- Ribbon Cutting on the new big toy at the park will be this Thursday at 4:00 pm.

7. Adjourn

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:56 pm. Laura Mitchell 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.

