

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, DECEMBER 10TH, AT THE CITY OFFICES.**

Invocation/Thought – Commissioner Mitchell

Pledge of Allegiance – Commissioner Vest

1. Confirm Agenda.
2. Public Hearing – Proposed Front Yard Fence Code Change.
3. Consider Proposed Front Yard Fence Code Change Recommendation.
4. Discuss Updates to City's General Plan Moderate Income Housing Element.
5. Approve Meeting Minutes from November 26th, 2024.
6. Staff Reports.
7. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmnr), the city website (WBCity.org),
and posted at City Hall on December 6th, by Remington Whiting, City Recorder.*

**West Bountiful City
Planning Commission Meeting**

December 10, 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 December 6, 2024, per state statutory requirement.

Minutes of the Special Meeting for the Planning Commission of West Bountiful City held on Tuesday, December 10, 2024, at West Bountiful City Hall, Davis County, Utah.

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

MEMBERS/STAFF EXCUSED: Dennis Vest

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

PUBLIC ATTENDING: Todd Willey, Diane Dransfield.

Prayer by Chairman Malan

Pledge of Allegiance- Commissioner Mitchell

1. Confirm Agenda

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

2. Public Hearing- Proposed Front Yard Fence Code Change.

Commission packets included a memorandum dated December 6, 2024, from Staff Regarding Willey Front Yard Fence Code Change application with a rough draft of the changed language in the code.

Remington Whiting noted that on October 9th, 2024, Mr. Willey submitted a code change application for front yard fences and other clear view regulations. The planning commission further reviewed the application on November 12th, 2024, and found that they wanted to conduct a larger review of options related to front yard fences.

Currently, front yard fences are permitted (with a permit) in these circumstances (WMBC 17.50.030)

- Anywhere in the front yard if the height does not exceed 4' and the transparency is at least 70%;
- Set back 3' from the property line with a height of up to 4' if the transparency is below 70%.
- Set back 15' with a height of up to 6' (any transparency level);
- Up to the property line and up to 6' in height if property has at least 200' of frontage and the fence is offset the from the front side of the house by at least 20'.

On November 26th, the planning commission instructed city staff to bring back a proposal with the following specifications:

- Front Yard Fences would be allowed up to 6' in height
- Must be Setback 3' from the sidewalk
- Must be setback 6' from both sides of the driveway
- Must be 70% transparent

A copy of the proposed amendments was reviewed by legal counsel and presented this evening for public comment in a rough draft form. Remington Whiting noted some suggested changes from legal counsel for their consideration. Public comment is welcomed concerning these proposed changes.

ACTION TAKEN:

Laura Mitchell moved to open the public hearing at 7:36 pm to hear public comment on the Proposed Front Yard Fence Code Changes. Corey Sweat seconded the motion, and voting was unanimous in favor.

Public Comment:

Todd Willey stated that upon review his input in Section A 3 feet from the sidewalk and fence would like it to be 1 foot from the sidewalk. Also, would take issue with the 6 feet from the driveway. Would like it to read to the driveway. He asked how he could put up a security gate with those requirements.

Upon discussion and consideration, Corey Sweat proposed to add a section E. to the code that states "All Gates cannot intrude into the public right of way". Staff will send this to legal counsel for recommendation on how the language should read.

ACTION TAKEN:

Corey Sweat moved to close the public hearing at 7:44 pm to hear public comment on the Proposed Front Yard Fence Code Changes. Tyler Payne seconded the motion and voting was unanimous in favor.

3. Consider Proposed Front Yard Fence Code Change Recommendation

Commissioners discussed and considered the following after the public hearing.

Corey Sweat asked how the 6 ft requirement came about. Commissioner's discussion in the language in A. was challenged. Some discussion took place between staff and commissioners regarding how the language should read. It was decided to change the four (4) feet to six (6) feet.

Clarification was made regarding how the gate would be addressed. More discussion took place regarding transparency and why the 3-foot barrier before the fence begins.

Staff asked if the bottom two feet are in the equation if they are a solid structure included in the 70% clear view area. After discussion it was decided that the bottom 2 feet are not considered in the clear view area. This is included in the language change in 17.50. 030 B.

The following is the proposal that will be sent to the city council for their review and consideration:

- A. A fence that is seventy percent (70%) or more open is allowed up to ~~four (4)~~ six (6) feet in height but must maintain clear view regulations.
- B. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to ~~four (4)~~ two (2) 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. On properties with roadway frontages exceeding 200 feet, front yard fences are allowed up to six (6) feet in height; provided, that any portion of such fence that is within 15 feet of such property line and is greater than four (4) feet in height must be offset at least 20 feet from the side façades at the front of the primary dwelling so as to preserve an open view of the dwelling.
- D. A building permit must be secured for construction of all front yard fences.
- E. No front yard fence gate shall intrude or encroach into the public right of way.

ACTION TAKEN:

Corey Sweat moved to approve the changes made to 17.50.030 as changed in the draft presented this evening and to forward with a positive recommendation it to the city council for their review and consideration. Robert Merrick seconded the motion and voting was unanimous in favor.

4. Discuss Updates to City's General Plan Moderate Income Housing Element.

Commissioner packets included a memorandum dated December 6, 2024, from Staff regarding Updates to City's General Plan Moderate Income Housing Element.

Remington Whiting presented the requirements and provided options for updating the city's moderate income housing strategies in the general plan.

He stated that Utah Code 10-9a-403 charges the planning commission with making recommendations to the city council for a general plan. In combination with Utah Code 10-9a-408, the city must include a moderate-income housing element within the general plan and annually report on the progress made toward adopted strategies selected from a list provided in code. The last time the city updated the moderate-income housing element in 2022, it adopted the following strategies:

- 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.
- Reduce, waive, or eliminate impact fees related to moderate income housing.
- Develop and adopt a station area plan in accordance with Section 10-9a-403.1.

Mr. Whiting reported that since then, the city has worked diligently and adopted code changes in 2023 and 2024 to accomplish and report on all three strategies. He asked for them to consider adopting new strategies and plans for working towards them.

Staff recommended the following process for the update:

1. Planning Commission review and selection of initial strategies.
2. City council review and input on initial selection.
3. Planning Commission development of general plan language and 5-year implementation plan.
4. Planning Commission public hearing and final recommendations.
5. City Council consideration and adoption.

Commissioners and staff reviewed 10-9a-403(2)(b)(iii), which lists the menu of strategies. Mr. Whiting pointed out that at least three need to be selected, but the planning commission could recommend as many as it feels appropriate for initial feedback from the city council.

Remington Whiting stated that Staff recommended the following for the planning commission consider:
Note: Strategies are listed and labeled as they appear in the code as a corresponding letter:

(A) Rezone for densities necessary to facilitate the production of moderate-income housing;

(D) Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate-income housing;

(E) Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

(F) Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;
It was noted that the city already has the housing overlay for commercial zones, but it could be further improved or expanded.

(J) Implement zoning incentives for moderate income units in new developments; ***For example, adding moderate income housing as an element for bonus density in a PUD (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate-income housing....***

(P) Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing. ***The city will have moderate income housing from RDA projects beginning in 2028/2029***

(R) Create a home ownership promotion zone pursuant to Part 10, Home Ownership Promotion Zone for Municipalities;

Commissioners were under the impression that the process had been completed for this year and were done until needing to submit for 2026.

Corey Sweat inquired if we could wait until Ivory submits their request for a PUD.

Commissioners discussed some possibilities to consider and asked staff to bring some figures for moderate income housing back to them for further discussion.

Tyler Payne requested more information on (O).

Some discussion took place reducing impact fee reductions.

Chairman Malan suggested we stop recording ADU's with the county so the sewer cannot charge for having two sewer hook ups for an internal ADU's. He stated that is an unfair charge and does not make sense especially when we are trying to make housing affordable.

Some discussion took place regarding sections E, O, A, J that maybe used in conjunction with Ivory Homes development. It was also suggested that section L could be a consideration.

Remington Whiting will bring back more information about the ones that the commissioners were interested in.

5. Approval Meeting Minutes from November 26, 2024

Action Taken:

Laura Mitchell moved to approve the minutes from the November 26, 2024, Planning Commission Meeting as presented. Corey Sweat seconded the motion, and voting was unanimous in favor.

6. Staff Report

a. Engineering (Kris Nilsen)

- The 400 North Well is up and running with some false alarms that need to be fixed.
- The 660 West project will go out to bid first part of the year and begin construction in March.
- The 800 West project will follow 660 West. It is a much smaller project.
- 1200 North is still in the process of getting fixed.

b. Community Development – (Remington Whiting)

- Resident complaints are being addressed with letter being sent to offenders violating codes.
- Business License are being prepared.
- Christmas on not Onion Street was very fun and successful.
- The Odor mentioned in the last meeting is coming from the Refinery. Residence in the area are being asked to call Sinclair personally to complain.

7. Adjourn

Action Taken:

**Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:53 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.

