

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, JANUARY 14TH, 2025, AT THE CITY OFFICES.**

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

1. Confirm Agenda
2. Consider Proposed Front Yard Fence Code Change Recommendation.
3. Consider Proposed Structure Distance Code Change Recommendation.
4. Review Potential Strategies for Moderate Income Housing Section of the General Plan.
5. Approve Meeting Minutes from December 10th, 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 January 10th, 2025, by Remington Whiting, City Recorder.*

**West Bountiful City
Planning Commission Meeting**

January 14, 2025

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 January 10, 2025, per state statutory requirement.

Minutes of the Special Meeting for the Planning Commission of West Bountiful City held on Tuesday, January 14, 2025, 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:

Thought/Invocation by Commissioner Vest
Pledge of Allegiance- Commissioner Merrick

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. Consider Proposed Front Yard Fence Code Change Recommendation

Commission packets included a memorandum dated January 10, 2025, from staff regarding Proposed Front Yard Fence Code Change Recommendation with an attached redline copy draft for discussion and consideration.

Mr. Whiting recapped the application submitted by Todd Willey related to front yard fence regulations. His original request was amended to include additional amendments regarding clear view regulations.

Remington explained that after review, the planning commission decided to conduct a larger review of the current front yard fence regulations. The commission was able to review the application on October 22nd, November 12th, 16th and December 10th and a positive recommendation was forwarded to city council to allow front yard fences that were 6'. Legal counsel made additional changes to clarify potential issues. (A redline copy was submitted and reviewed by the planning commission). Staff does not believe that the changes affect the intent of the original recommendation.

Commissioners reviewed the changes as pointed out by Mr. Whiting recommended by legal counsel and action was taken.

ACTION TAKEN:

Corey Sweat moved to forward the Proposed Front Yard Fence Code Changes with legal council's changes with a positive recommendation to the city council for their review and consideration. Dennis Vest seconded the motion and voting was unanimous in favor.

3. Consider Proposed Structure Distance Code Change Recommendation

Commission packet included a memorandum from Staff on January 10, 2025 regarding Proposed Structure Distance Code Change Recommendation.

Mr. Whiting re-capped and provided additional information for the on-going discussion related to the required distances between structures on the same property in residential zones.

Remington Whiting explained that City code for residential zones reads: *"Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet"* (WBM 17.24.050.B) He noted this could be interpreted in two ways: first, that the distance requirement only applies to the main structure and accessory structures. If this is the case, the code is silent on any distance requirement between multiple accessory structures.

The second interpretation is that all structures must be 8ft away, including an accessory structure from another accessory structure. Regulations related to the distances between structures historically are related to fire prevention/protection and neighborhood character (e.g. a rural feel).

The current International Residential Code (IRC) does not have spacing requirements if adequate fire-resistant building materials are used. The planning commission first discussed this on September 10th, 2024, and at the time, decided to move forward with reviewing a proposal that would simply state that the distance between all structures on a residential property would be controlled by "applicable building codes."

Mr. Whiting pointed out that the planning commission held a public hearing on this proposal on October 8th, and at that meeting discussed the potential implications related to setbacks. For example, a garage attached to main structure must have a 10-foot setback; however, under the new proposal, if that same garage was constructed inches off the main structure, its setback requirements would now be 3-feet.

The commission tabled consideration until more research could be done, with a focus on Farmington City, as they do not have an explicit distance requirement between structures.

Remington Whiting noted that Farmington City does not require a minimum distance between structures on the same residential property (accessory from main or accessory from accessory), but they do have other provisions that limit where accessory structures may be built. They are:

- **Accessory structures must be located at least fifteen feet (15') from any dwelling on an adjacent lot.** *West Bountiful does not currently have a comparable requirement.*

- **Accessory buildings located to the rear or side of the main building shall not occupy more than twenty five percent (25%) of the required rear yard or thirty three percent (33%) of the required side yard.** *West Bountiful has a comparable requirement for the rear yard, but not for the side yard.*
- **Accessory buildings shall, without exception, be subordinate in footprint to the main building.** *West Bountiful does not have a comparable requirement.*
- **Any eave, or part of an accessory building, shall not overhang or extend past a property line.** *West Bountiful regulates this in practice but does not have this explicit language. The combination of these requirements likely limits accessory structures from being built within side yards in such a way that streets would feel crowded and overbuilt, just as West Bountiful's current 8-foot requirement does.*

Discussion took place on the option that were presented by staff, which were:

A. Leave the code as-is. This would retain the requirement that accessory structures, whether in back or side yards, be at least 8 feet away from the main home. Staff would also interpret this to mean that there would be no requirement between accessory structures and other accessory structures.

1. The current character of the community is heavily influenced by side yard setbacks, and the 8-foot requirement has certainly had a significant influence on streetscapes throughout the city.
2. In discussing other issues related to rear yard setbacks, staff believe it is unlikely that the city council has an appetite to make other major changes until later in this year when accessory dwelling units are further evaluated.

B. Recommend the elimination of distance requirements as previously contemplated, or with the addition of new requirements for how accessory structures may be built within side and rear yards.

1. It is the planning commission's prerogative to make recommendations on changes. Should the commission determine that this change aligns with the city's goals, staff recommend that the commission prepare an explanation for the council detailing the need for and likely impact of the changes.

IRC requirement is zero with a 1 hour burn wall, if there is not a 1 hour burn wall then there would be a 5 ft setback. Chairman Malan would like to see a 5-foot requirement but at minimum a 3 foot. Corey Sweat would like to leave it as is. Further discussion took place and it was decided to leave the code as is at this time.

ACTION TAKEN:

Dennis Vest moved to table this item to an undetermined date. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Review Potential Strategies for Moderate Income Housing Section of General Plan

Commissioner packets included a memorandum dated January 10, 2025 from Staff regarding Updates to City's General Plan Moderate Income Housing Element.

Staff and Commission continued a discussion that provides options for potential updates to the city's moderate income housing strategies in the general plan.

Remington Whiting explained 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.

On Tuesday, December 10th, 2024, the planning commission discussed and considered potential strategies. On December 17th, 2024, the city council reviewed these suggestions.

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

Some discussion took place regarding the continuation to use the reduction of impact fees strategy. Corey Sweat pointed out that we can still do a reduction of impact fees until we are told by the State that we can't use that strategy any longer.

Commissioners discussed the proposed possibilities. Reduced impact fees and density bonus of 20 percent weighed heavily as one of the strategies to be used. F and J were also items that they would consider.

Goals were set in 2022 and the city worked diligently and adopted code changes in 2023 and 2024 to accomplish all three strategies.

With progress substantially completed on the 2022 goals, it is time for the city to consider adopting new strategies and plans for the next three-year period.

Both planning commission and city council have reviewed and considered the three strategies. Staff recommended the following process for the update from the discussion that took place with the city council:

1. Planning commission selection of recommend goals, and with the assistance of planners, development of general plan language and 5-year implementation plan.
2. Planning commission public hearing and final recommendations.
3. City council consideration and adoption.

At the December 17th, 2024, the city council reviewed and discussed the planning commission's suggestions regarding Moderate Income Housing. In additions to the suggestions from the commission, the council discussed additional strategies as well. The following are the strategies that remain for consider, with staff's recommendations listed below:

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

(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones; - The city council has made clear that this strategy is a priority for them.

(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; - It is unlikely that additional work on waiving the remaining impact fees (water and storm water) would qualify, but staff believe this is an achievable goal that aligns with everything the city has done so far.

(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;

(J) Implement zoning incentives for moderate income units in new developments.

- **Staff believe that such incentives could be a good fit within the city's existing PUD code.**

(R) create a home ownership promotion zone pursuant to Part 10, Home Ownership Promotion zone for municipalities.

Commissioners and staff reviewed each of the above strategies and the commission selected their preferences with comments for staff to compile.

A question arose on the HCCO plan that was previously part of a strategy. Kris Nilsen will check on the overlay zone as part of the moderate-income housing plan that was in a former strategy plan. It was noted by Mr. Nilsen that the HCCO was part of the "R" strategy.

Staff will compile a draft of these ideas' for further discussion. The due date for submittal is August 2025.

5. Approval Meeting Minutes from December 10, 2024

Action Taken:

Laura Mitchell moved to approve the minutes from the December 10, 2024, Planning Commission Meeting as presented. Corey Sweat seconded the motion, and voting was unanimous in favor.

6. Staff Report

a. Engineering (Kris Nilsen)

- 660 West is out to bid and will be awarded February 4th with construction in early March or possibly late February. The city invited all utilities to correlate construction or any necessary improvements while they are making improvements. Trying to extend the project to connect the block if funding allows.
- Design on 1100 West is going out to bid soon. An active transportation grant will cover this project. Two grants were awarded to us. The city portion is about \$20,000.
- Staff is coordinating with UDOT projects. 1200 North area will be deeded over to the city located on southside of 1200 North. A large portion of it is wetlands. Staff will work with the necessary sources to mitigate the wetlands. The land would not be able to be sold by the city for development. A park would be a nice addition to that area.

- Centerville deeded a water line to our city, and we will use it in a positive way to benefit our city.
- 1200 North is still needing to have some final things done along the side of the road.

b. Community Development – (Remington Whiting)

- Lots of permits are in to review.
- He will attend an elections meeting with the county next week.
- Working on a beer license code and update and will be on the agenda for discussion at the next meeting.
- The odor from the refinery has seemed to have dissipated.
- Starting on the 4th of July events.

Dell Butterfield appreciates the tough job that the planning commission has and the great job they do

7. Adjourn

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:40 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.

