

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/pmnn), the city website (WBCity.org),
and posted at City Hall on January 10th, 2025, by Remington Whiting, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: January 10th, 2025

FROM: Staff

RE: Code Change Application – Front Yard Fence Regulations - Willey

This memo introduces a text change amendment application from Todd Willey related to front yard fence regulations.

Application

On October 9th, 2024, Mr. Todd Willey submitted a text change application to change current front yard fence regulations. The application requested to amend the maximum height of front yard fences of 4' to 6'. His original request was amended to include additional amendments regarding clear view regulations. After review, the planning commission decided to conduct a larger review of the current front yard fence regulations.

Planning Commission Review

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'. After reviewing the recommendation, legal counsel made additional changes to clarify potential issues. (See attached) Staff does not believe that the changes affect the intent of the original recommendation.

Options

The planning commission has the following options:

1. Recommend approval to the city council with legal counsel's changes.
2. Recommend denial to the council council.
3. Continue to review the regulations and forward a recommendation on a future date.

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

- A. A fence, or any portion of a fence over two (2) feet in height, that is seventy percent (70%) or more open is allowed up to ~~four (4)~~ six (6) feet in total 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. ~~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, sSuch a fence, wall or hedge 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, and 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 facades at the front of the primary dwelling so as to preserve an open view of the dwelling.~~
- C. No fence gate, when open or closed, shall extend into the public right of way.
- 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.~~

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

- A. A fence, or any portion of a fence over two (2) feet in height, that is seventy percent (70%) or more open is allowed up to six (6) feet in total height.
- B. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to two (2) feet in height. Such a fence, wall or hedge 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, and up to six (6) feet in height if located fifteen (15) feet or more from the front street right of way or sidewalk.
- C. No fence gate, when open or closed, shall extend into the public right of way.
- D. A building permit must be secured for construction of all front yard fences.



MEMORANDUM

TO: Planning Commission

DATE: January 9, 2025

FROM: Staff

RE: Distances Between Structures in Residential Zones

This memo is intended to re-cap and provide additional information for the on-going discussion related to the required distances between structures on the same property in residential zones.

Background

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” (WBMC 17.24.050.B)

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.”

The planning commission next 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. Based on these discussions, 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.

Review – Farmington City

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 these other provisions that limit where accessory structures may be built:

- 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.

Options

Based on this review, the planning commission may choose to consider one of these options or a variation thereof:

- 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.



MEMORANDUM

TO: Planning Commission

DATE: January 10th, 2025

FROM: Staff

RE: **Updates to City's General Plan Moderate Income Housing Element**

This memo continues the discussion and provides options for potential updates to the city's moderate income housing strategies in the general plan.

Background

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 planning commission was able to discuss and consider potential strategies on Tuesday, December 10th, 2024, and the city council reviewed these suggestions on December 17th, 2024.

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

Since then, the city worked diligently and adopted code changes in 2023 and 2024 to accomplish and report on all three strategies.

Updates

With work substantially completed on the 2022 goals, it is time for the city to consider adopting new strategies and plans for working towards them. The planning commission discussed potential strategies on Tuesday, December 10th, 2024, and the city council reviewed and provided input on December 17th, 2024. Following the discussion from the city council, staff recommends the following process for the update:

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.

Consideration

On December 17th, 2024, the city council reviewed and discussed the planning commission's suggestions regarding Moderate Income Housing. Along with the suggestions from the commission, the council discussed additional strategies as well. The following are strategies represent the strategies that remain for consider, with staff's recommendations in **bold**:

(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.

Once the commission has settled on an initial list of goals, staff will work with planners to draft language for further consideration.

10-9a-403(2)(b)(iii)

For a town, may include, and for a specified municipality as defined in Section [10-9a-408](#), shall include a recommendation to implement the required number of any of the following moderate income housing strategies as specified in Subsection (2)(a)(iii):

- (A) rezone for densities necessary to facilitate the production of moderate income housing;
- (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
- (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into 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;
- (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
- (H) 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;
- (I) amend land use regulations to allow for single room occupancy developments;
- (J) implement zoning incentives for moderate income units in new developments;
- (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section [10-9a-535](#), establishing a housing loss mitigation fund;
- (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- (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, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal

agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation 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;
- (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
- (R) create a home ownership promotion zone pursuant to Part 10, Home Ownership Promotion Zone for Municipalities;
- (S) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section [10-9a-530](#);
- (T) create a program to transfer development rights for moderate income housing;
- (U) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
- (V) develop a moderate income housing project for residents who are disabled or 55 years old or older;
- (W) develop and adopt a station area plan in accordance with Section [10-9a-403.1](#);
- (X) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones;
- (Y) create a first home investment zone in accordance with Title 63N, Chapter 3, Part 16, First Home Investment Zone Act; and
- (Z) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing; and

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 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.
