

**West Bountiful City
Planning Commission**

June 25, 2013

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on June 21, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 25, 2013, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Vice Chairman Terry Turner, Alan Malan, and Laura Charchenko.

MEMBERS/STAFF EXCUSED: Commissioner Mike Cottle.

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell (Deputy Recorder) and Debbie McKean (Secretary).

VISITORS: Wade Workman, Jan Workman, Jason Kim.

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Denis Hopkinson. Alan Malan offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Cancelled - Public Hearing regarding subdividing a 5.0 acre parcel into two 2.5 acre lots at 305 North 1100 West.

III. Public Hearing to receive comment regarding possible modifications to Section 17.24.050, 17.20.050, and 17.16.050 Yard Regulations of the West Bountiful Municipal Code, specifically regarding setbacks for decks in residential areas.

ACTION TAKEN:

Alan Malan moved to open the public hearing at 7:35 p.m. to receive comment regarding possible modifications to Section 17.24.050, 17.20.050, and 17.16.050 Yard Regulations of the West Bountiful Municipal Code, specifically regarding setbacks for decks in residential areas. Terry Turner seconded the motion and voting was unanimous in favor.

Public Comment:

- **Wade Workman-** Suggested that with a 30 foot setback a 12 ft. deck could be built, leaving an 18 foot setback, and that each deck would be under conditions specific to their individual situation.
- **Jason Kim** - Works with Wade and is building a home in Wasatch Meadows, asked about whether or not you need approval from the city for different deck heights. What is the reasoning behind the requirements and will they be changed?

Alan Malan moved to close the public hearing at 7:40 p.m. to receive comment regarding possible modification to Section 17.24.050, 17.20.050, and 17.16.050 Yard Regulations, of the West Bountiful Municipal Code, specifically regarding setbacks for decks in residential areas. Laura Charchenko seconded the motion and voting was unanimous in favor.

Chairman Hopkinson noted that most decks are a fire exit to the home. If a deck is built and encroaches upon the neighbors then it is a problem. The 30 foot reasoning is for privacy.

IV. Discussion of current yard regulations, particularly setbacks for attached decks .

Packets included a memorandum dated June 20, 2013 from Ben White/Cathy Brightwell regarding setbacks (particularly for decks) with attachment of city code Section 17.24.050 Yard Regulations. (R-1-10, R1-22, A-1)

Commissioner Comments:

Laura Charchenko likes most of the changes with a lot of them being housekeeping issues. She is in favor of either a sliding scale or the height times X = setback proposal but wants to make sure there is a minimum setback so that neighbors can maintain their privacy. She believes it is important to specify how height is determined so everyone is treated consistently.

Terry Turner inquired how the changes, in theory, would impact staff's work and management of this ordinance. Ms. Brightwell explained it would be nice to have parameters that give staff the ability to approve or deny requests with more flexibility than they currently have. She believes that currently there are many decks being built without permission and are out of code. Ben White felt that the suggested changes to the ordinance would make staff's job easier.

Terry Turner asked if individual circumstances would be considered or would the code be black and white. He wants to minimize restrictions on personal property but also desires to make staff's job easier. He is uncertain who should have the power (staff or commission) to make decisions.

Alan Malan does not like a lot of the suggested changes. He feels decks should have a minimum setback of 18 or 20 feet with the equation to have the setback 3 X the height of the deck. He feels like the code should be written to live by. It shouldn't be arbitrary based on who is on the Commission at a certain point in time. Does not like proposed "E" because there is no criteria to base a decision on a conditional use request.

Chairman Hopkinson feels that we are a long way from having a document that could be approved. He is hesitant to change setback language that has been in place for a long time. What we really need is a protocol for staff to know what to do when these requests come their way. He feels the current ordinance is in good condition but lacks the protocol for staff to put something in place. He would rather leave the language as is and use the conditional use policy to involve individuals coming to the commission for evaluation.

Ben White noted that the current ordinance does not allow an attached deck within the setback even with a conditional use permit. It must be considered an accessory building and must be detached. He said he would like to have the option to have the deck attached. It would be nice to have something that he could approve on the spot if it met all the criteria.

Mr. Hopkinson noted that this is the first time in many years we have heard this issue and feels we don't need to make changes just because of one issue.

Chairman Hopkinson would like staff to recommend a policy for the existing ordinance without changing our current language. He encouraged them to do some more homework especially looking at other cities' regulations. He feels if we expand the language we could be opening a Pandora's box.

Mr. White noted that consistency can be a problem as staffs and commissioners change.

Alan Malan stated that he has a problem because the criteria would be adjusted and not be consistent. He would like to have more concrete parameters. Mr. Hopkinson noted that we have those in place and they are black and white.

Mr. Workman asked if anything under 30 inches high falls under the setback requirements. Ben explained that Building Code requires a building permit for anything over 30 inches so that is generally how the rules have been imposed.

Action Item:

Mr. Hopkinson charged staff to find some identifiable language that is similar to our size and nature for decks and platforms. In addition, Mr. Malan requested that further discussion be done concerning Item E, Lot Standards and street frontage. He would like to have it as a separate agenda item at the next meeting.

V. Staff Report

- City Council is in the final stages of selecting a City Administrator.
- Cathy Brightwell reported that the Architectural Review Board gave final approval on a second historical home since the new process has been in place and are working on the third. May have approval within a week. She noted that the architect put together packets for each style of home in order for the homeowner to be able to know the direction they need to go when creating their plans saving applicant and staff a lot of time and frustration.

VII. Approval of Minutes of June 11, 2013.

ACTION TAKEN:

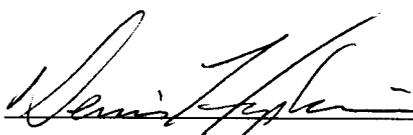
Terry Turner moved to approve of the minutes dated June 11, 2013 as modified.

Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:20 p.m.



DENIS HOPKINSON / CHAIRMAN

HEIDI VOORDECKERS / CITY RECORDER

DEBBIE MCKEAN / SECRETARY