

**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
Ben White

**City Recorder**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355

**Chairman**  
Denis Hopkinson

**Commissioners**  
Laura Charchenko  
Mike Cottle  
Alan Malan  
Corey Sweat  
Dennis Vest, Alternate

## **THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A MEETING BEGINNING AT 7:30 PM ON TUESDAY, MAY 22, 2018 AT THE CITY OFFICES**

Prayer/Thought by Invitation

1. Accept Agenda.
2. Public Hearing to Receive Comments Regarding Land Use Fees in the West Bountiful Consolidated Fee Schedule.
3. Consider New Land Use Fees in the West Bountiful Consolidated Fee Schedule and Corresponding Language Change to Section WBMC 16.08.050.
4. Public Hearing to Receive Comments on Proposed Changes to the Subdivision Ordinance Regarding Secondary Water in WBMC 16.20.020.
5. Consider Proposed Changes in Subdivision Ordinance Regarding Secondary Water.
6. Discuss Concept Plan for Grover Subdivision at 1811 N 800 West.
7. Discuss Proposed Process to Modify a PUD Agreement and Set Public Hearing.
8. Discuss Proposed Regulations for Home Day Care/Preschools.
9. Staff report.
10. Consider Approval of Minutes from May 8, 2018 Meeting.
11. Adjourn.

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*Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.*

*This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on May 18, 2018 by Cathy Brightwell, City Recorder.*

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## **NOTICE OF PUBLIC HEARING**

The West Bountiful Planning Commission will hold a Public Hearing at 550 North 800 West, West Bountiful, Utah, 84087 on Tuesday, May 22, 2018 beginning at 7:30 p.m., or as soon thereafter as possible.

The purpose of the hearing is to receive public comment regarding Land Use Fees in the West Bountiful Consolidated Fee Schedule, including a proposed modification to the subdivision inspection fee.

A copy of the proposal may be viewed on the City website: [www.wbcity.org](http://www.wbcity.org). All interested parties are invited to participate in the hearing. Written comments may be submitted to the City offices prior to the meeting.

*Cathy Brightwell*  
*City Recorder*

# MEMORANDUM



**TO:** Planning Commission  
**DATE:** May 17, 2018  
**FROM:** Ben White  
**RE:** **Fee Schedule Update**

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The 2017 State law that requires cities to approve their construction standards by ordinance also requires land use related fees to be adopted by ordinance. Not all fees included in the city's Consolidated Fee Schedule are land use fees. Administrative fees, business licenses, utility bills, golf course fees are examples of non-land use fees, while impact fees and land use fees definitely are. Items such as building permits and some conditional use permits could be argued both ways.

As previously discussed, the Planning Commission is recommending reducing the Subdivision Inspection Fee from 3% of the total improvement bond to 2% of the bond, with a minimum inspection fee of \$1800.

This proposed change also requires a change to Title 16 Subdivisions where the requirement for the fee is stipulated. Paragraph 16.08.050.D. is proposed to read:

**"Public Improvement Inspection Fee. The subdivider will remit to the city a public inspection fee equal to an amount which shall be established periodically by city council and published in the Consolidated Fee Schedule."**

Following the Public Hearing, the Planning Commission may make a recommendation to City Council regarding the land use fee schedule and subsequent change to Title 16.

## ZONING

<b><u>Annexation Application fee</u></b>	\$ 200 - 500
<b><u>Easement – Application to Vacate</u></b>	\$ 100
<b><u>Lot Line Adjustment</u></b>	\$ 100
<b><u>Re-zone Application</u></b>	\$ 150
<b><u>Subdivision Application and Review Fees</u></b>	
Conceptual Site Plan Review – ALL applications	\$100 per application submittal
Major Subdivision	
Preliminary Review (due with submission)	\$ 50 per lot, plus \$100/acre/part
Final Review (due with submission)	\$200 per lot, plus \$100/acre/part
Minor/Metes & Bounds Subdivision (due w/Planning Commission submission)	\$200 per lot, plus \$100/ acre/part
County Recording Fee (see City Recorder for information)	Price varies
Subdivision Improvement Bond	100% of Public Improvements Cost
Subdivision Warranty Bond	10% of Public Improvements Cost cash held by City
Subdivision Inspection Fee	2 % of Improvement Bond (\$1800 minimum)
<b><u>Variance Application</u></b>	\$ 100

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## **NOTICE OF PUBLIC HEARING**

The West Bountiful Planning Commission will hold a Public Hearing at 550 North 800 West, West Bountiful, Utah, 84087 on Tuesday, May 22, 2018 beginning at 7:30 p.m., or as soon thereafter as possible.

The purpose of the hearing is to receive public comment regarding new language to the Subdivision Ordinance regarding Secondary Water (WBMC 16.20.020).

A copy of the proposal may be viewed on the City website: [www.wbcity.org](http://www.wbcity.org). All interested parties are invited to participate in the hearing. Written comments may be submitted to the City offices prior to the meeting.

*Cathy Brightwell*  
City Recorder

# MEMORANDUM



**TO:** Planning Commission

**DATE:** May 17, 2018

**FROM:** Ben White

**RE:** **Secondary Water Requirements for Subdivisions**

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## Secondary Water

The City Council recently imposed a six-month moratorium on new subdivision applications while the City reviews the requirements for new developments to provide secondary water for irrigation. City staff has worked under the assertion that all new developments are required to provide secondary water.

The proposed draft secondary water language is as follows:

*Secondary water for the purpose of irrigation shall be made available to each lot in all subdivisions. Construction of a pressurized secondary water system, including the pipe size, pipe alignment, valving and size of service connections, is subject to the City and the appropriate secondary water district's approval. The subdivider will be required, at its own expense, to construct all required off-site facilities necessary to connect to existing secondary water facilities. The subdivider shall pay all applicable fees to the secondary water district prior to approval of the final plat.*

Staff suggests inserting the proposed language in WBMC Section 16.20.020 Public Improvements.

Following a public hearing, the Planning Commission may make a recommendation to City Council.

# MEMORANDUM



**TO:** Planning Commission

**DATE:** May 17, 2018

**FROM:** Ben White

**RE:** Grover Subdivision at 1811 N 800 West

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Wright Development is proposing a 12-lot residential development located 1811 N 800 West. The concept plan submittal is an opportunity for the City to provide input to the Developer.

Points of interest or discussion for the subdivision include:

1. The proposed subdivision is located in the R-1-10 zone.
2. Two cul-de-sacs are proposed; Public Works does not like the cul-de-sacs, but the city code does not prohibit their construction.
3. Drainage along this section of 800 West will require extra attention. The desired discharge will be directly into the DSB canal.
4. The existing brick home is presumed to remain; it will need to meet the corner lot setback requirements.
5. The other structures are presumed to be removed.
6. There are pipelines and communication lines along the west side of the property which do not affect main structure setbacks but will impact property owner uses.
7. City extended water and sewer lateral services as part of the road reconstruction in 2014; the developer will be able to utilize some of these stubs.
8. City Council will need to determine if this proposal meets the requirement to modify the moratorium placed on road construction. The five-year moratorium does not expire until September 2019.



**CONCEPT PLAN**  
 ZONE: R1-10  
 MIN. LOT SIZE: 10,000 SQ.FT.  
 MIN. WIDTH: 85' AT SETBACK  
 FRONT YARD: 30'  
 REAR YARD: 30'  
 SIDE YARD: MIN 10', COMBINED 24'  
 SIDE STREET YARD: 20'  
 ALLOWABLE DENSITY: 4.3/ACRE  
 AS-SHOWN DENSITY: 2.6/ACRE

181 North 200 West, Suite #4  
 Bountiful, UT 84010  
 Phone 801.298.2236  
 www.Entellus.com



**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

**CONCEPTUAL PLAN**  
 PROPERTY AROUND 181 NORTH 800 WEST  
 LOCATED IN THE NW 1/4 OF SECTION 13, T.2 N., R.1W., S.L.R.&M.  
 WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH

DRAWN: LKM 27 MAR 2018  
 APPROVED: STA 27 MAR 2018  
 PROJECT: [PROJECT #]  
 CONCEPT 2018-03-27.dwg

**C400**  
 CONCEPTUAL PLAN

# MEMORANDUM



**TO:** Planning Commission

**DATE:** May 18, 2018

**FROM:** Ben White

**RE:** Requirements to Modify a PUD Agreement

---

The City recently updated its PUD ordinance to better define what can and cannot be modified with a PUD application. As part of the ordinance, we included paragraph 17.68.150.C which requires modifications to an approved PUD to follow the procedures outlined in the PUD ordinance. However, we failed to include what those requirements would be.

The Planning Commission discussed the requirements for amending a PUD development agreement during the May 8<sup>th</sup> meeting. Those recommendations have been included together with input from legal counsel. Legal counsel has provided four text options which could be inserted. Planning staff recommends the language proposed by the Planning Commission (fourth option) below.

## **17.68.150 Limitations On Application**

- A. Construction on a PUD subdivision shall start within one (1) year of the approval of the PUD subdivision, and such construction, or approved stages thereof, shall be completed within four (4) years after the date construction begins, unless these time frames are renegotiated with the City Council for good cause shown by the applicant. Failure to meet the one-year deadline will result in fines and/or action to nullify the Development Agreement and Zone change, and such actions shall be described in the Development Agreement.
- B. Upon approval of a PUD subdivision, construction shall proceed only in accordance with the plans and specifications approved by the City Council in the Development Agreement.
- C. **NEW:** Amendment to approved plans and specifications for a PUD may be obtained only by following the procedures outlined in this Chapter and may require a modification to the Development Agreement.

All deviations from the executed Development Agreement require the approval of the City Council.

Any change that increases project density, reduces any lot size or required setback, alters an amenity,

...on which bonus density is based,

...providing substantial public benefit

...provided under Section 17.68.090

...or otherwise alters requirements in Title 16 or Title 17

requires a recommendation by the Planning Commission, after a public hearing prior to the City Council consideration.

# MEMORANDUM



**TO:** Planning Commission

**DATE:** May 18, 2018

**FROM:** Ben White, Cathy Brightwell

**RE:** Home Child Daycare & Preschool Regulations

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At the past several planning commission meetings proposed regulations have been discussed for Home Child Daycare and Preschools. One goal of this effort was to establish minimum criteria so these 2 uses currently listed as “conditional uses” could be changed to “permitted uses” as changes to State Land Use Codes are tightening city’s ability to impose restrictions on conditional uses.

The attached proposed language incorporates suggestions from the last meeting.

## **5.28 Home Occupations**

### **5.28.010 Definitions**

“Home child daycare” means continuous care and supervision of five (5) or more non-related children that is in place of care ordinarily provided by a parent in the parent’s home, for less than twenty-four (24) hours a day, and for direct or indirect compensation that takes place in a child care provider’s home.

“Home preschool” means a learning space offering early childhood education to five (5) or more non-related children too young to begin kindergarten.

“Related children” means children for whom the child care provider is the parent, legal guardian, or step-parent; grandparent, step-grandparent, or great-grandparent; sibling or step-sibling; or aunt, uncle, step-aunt, step-uncle, great-aunt, or great-uncle.

### **5.28.090 Home Child Daycare/Home Preschool**

- A. Home child daycare and home preschool providers must comply with all state requirements located in Utah Code and WBMC Titles 5 and 17.
- B. A home occupation business license for home child daycare and home preschool is required prior to conducting any business on site. The following criteria must be met prior to a business license being issued.
  - 1. The applicant must submit proof that an application has been made to the state department of health with their city business license application.
  - 2. The dwelling will be building code compliant for ingress/egress, smoke alarms, electrical outlets, and fire extinguishers.
  - 3. A Fire Inspection Clearance issued by the Fire Marshal.
  - 4. Any outdoor play area will be fully fenced.
- C. Home Child Daycare
  - 1. In addition to the requirements in Subsection B, no more than eight (8) unrelated children may be cared for at one time. There shall be no more than two (2) children under the age of two (2), including the childcare providers' own children. The childcare provider’s children age four (4) or older do not count toward the total number allowed.
  - 2. In addition to the provider’s vehicles, one parking place for persons dropping off or picking up children must be available either on-site in a hard surface driveway or directly in front of the property on the same side of the street for each four (4) children with fractions rounded up.
- D. Home Preschool
  - 1. In addition to the requirements in Subsection B, no more than eight (8) children between the ages of two (2) years and five (5) years will receive instruction at any given time.

2. There shall be no more than two (2) sessions per day lasting no more than four (4) hours, with no child attending more than one session per day.
  3. In addition to the provider's vehicles, one parking place for persons dropping off or picking up children must be available either on-site in a hard surface driveway or directly in front of the property on the same side of the street for each two (2) children with fractions rounded up.
- D. A home occupation business license is not required for a provider:
1. who cares only for related children;
  2. who cares for children less than four hours per day;
  3. who cares for fewer than five non-related children in the home at one time; or
  4. who cares for children no more than two days during any calendar week defined as Sunday through Saturday.

1 **West Bountiful City**  
2 **Planning Commission Meeting**

May 8, 2018

3  
4 **PENDING- Not Yet Approved**

5  
6 *Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website*  
7 *and on the West Bountiful City website on May 4, 2018 per state statutory requirement.*

8  
9  
10 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 8,  
11 2018 at West Bountiful City Hall, Davis County, Utah.

12  
13 Those in Attendance:

14  
15 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Mike Cottle, Alan Malan, Laura  
16 Charchenko, Dee Vest (alternate), and Council member Kelly Enquist

17  
18 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (Recorder)

19  
20 **EXCUSED:** Corey Sweat, Debbie McKean

21  
22 **VISITORS:** Gary Jacketta

23  
24 The Planning Commission Meeting was called to order at 7:30 pm by Chairman Hopkinson.  
25 Commissioner Dee Vest offered a prayer.

26 **1. Accept Agenda**

27 Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as  
28 presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among all  
29 members.

30  
31 **2. Consider Amendment to Final Plat for High Gate Estates.**

32  
33 Ben White reviewed the proposed changes to the final plat of High Gate Estates. A neighbor to  
34 the north has requested to purchase two lots (26 and 27) and prefers they be excluded from the  
35 subdivision plat. In addition, a potential buyer has requested that lots 23 and 24 be combined  
36 into a single two-acre lot.

37  
38 As the plat was approved by the City Council in March 2018 it now needs to come back to  
39 planning commission for recommendation before city council can give final approval.

40  
41

42 **Discussion:**

43 Alan Malan asked if the buyer of the lots to be removed on the north end will do a lot line  
44 adjustment. Ben White responded that he can do that or anything else that fits the zone.

45  
46 Laura Charchenko asked if the west cul-de-sac will remain if lots 23 and 24 are combined. Ben  
47 White responded that it will remain. 1450 West is restricted so access will be on the roads to the  
48 north and the east.

49  
50 **ACTION TAKEN:**

51 *Laura Charchenko moved to approve the final plat amendments for High Gate Estates as*  
52 *presented. Dee Vest seconded the motion which passed unanimously*

53  
54 **3. Discuss Proposed Requirements to Modify a PUD Agreement.**

55  
56 Ben White explained that recently the PUD ordinance was changed to better define what can and  
57 cannot be modified with a PUD application. It stated that modifications to an approved PUD  
58 follow procedures outlined in the PUD ordinance; but no procedure was included.

59  
60 In developing these requirements, it is important to consider the line between revising an  
61 agreement and making a land use or zoning change. Staff is recommending that anything that  
62 changes density, lot sizes, setbacks, or reduces the public bonus amenity requires a new hearing  
63 and recommendation from planning commission.

64  
65 After discussion and minor tweaks to the proposed language, staff was directed to share the  
66 proposal with Mr. Doxey and bring it back to the next meeting when a public hearing will be  
67 held.

68  
69 **4. Discuss Proposed Requirements for Home Daycare/Preschools.**

70  
71 Modifications to West Bountiful's permitted and conditional uses in residential zones has been  
72 discussed at the past several meetings with a goal of establishing minimum criteria for uses that  
73 are currently listed as conditional uses and move them to permitted uses. Changes to the State  
74 Land Use codes are limiting the city's ability to impose restrictions on conditional uses and a  
75 recent review of our Code indicates language needs to be tightened up to meet legal and new  
76 legislative changes.

77  
78 Cathy Brightwell reviewed the proposed criteria based on earlier discussions with planning  
79 commission and a more thorough review of the state child care regulations. Staff is suggesting  
80 the criteria for home child daycare and home preschools be included in 5.28.090 Home  
81 Occupations and licensing be contingent on the applicant meeting requirements for state  
82 department of health licensing, county health department food preparation inspection, and fire  
83 inspection clearance.

84  
85 There was discussion about several of the criteria including fencing, how many children can be  
86 cared for at one time, and how to clearly define what constitutes a daycare/preschool and when  
87 licensing is required.

