

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

**WEST BOUNTIFUL
PLANNING COMMISSION**

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Chairman
Denis Hopkinson

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

**THE WEST BOUNTIFUL PLANNING COMMISSION
WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM
ON TUESDAY, JANUARY 8, 2019 AT THE CITY OFFICES**

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Proposed Modifications to WBMC Title 17 – Yard Regulations.
3. Discuss Proposed Modifications to WBMC Title 17 – Parking.
4. Staff report.
5. Consider Approval of Minutes from December 11, 2018 Meeting.
6. Adjourn.

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 January 4, 2019 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

January 08, 2019

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 4, 2018 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 8, 2019 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson joined the meeting at 7:45 p.m., Alan Malan, Corey Sweat, Laura Charchenko, Mike Cottle, Dee Vest (alternate), and Council member Kelly Enquist

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

MEMBERS EXCUSED:

VISITORS: Steve Sundstrom

The Planning Commission Meeting was called to order at 7:30 pm by Alan Malan. Laura Charchenko offered a prayer.

1. Accept Agenda

Vice Chairman Malan reviewed the agenda. Corey Sweat moved to accept the agenda as presented and Dee Vest seconded the motion. Voting was unanimous in favor among all members present.

2. Consider Proposed Modification to WBMC Title 17- Yard Regulations.

Commissioner packets included a copy of Yard Regulations for R-1-10, R-1-22, and A-1 zones with suggested changes and a staff memorandum dated January 4, 2019 from Ben White regarding Accessory Structures and Covered Patios.

This agenda item is a continuation of discussion on covered patios, decks and accessory structures from previous Planning Commission and City Council meetings.

Staff memorandum included the following information:

- Accessory Structures Location- size and height of accessory structures has presented challenges recently. The attached municipal code language proposes criteria for when accessory structures can be closer than ten feet to a main structure and when heights exceeding twenty feet can be approved.
- Covered Patios language similar to decks encroaching into the rear yard setback has been drafted. This language is not an endorsement by staff. It is intended to facilitate discussion. Staff expects that some of the language may be acceptable, some unacceptable, and criteria not currently listed may also be proposed.
- Once the Planning Commission is satisfied with the proposed code language, a public hearing is required prior to making a formal recommendation to the City Council. Satisfied is not meant to

imply that a positive recommendation to the City Council will occur; only that the topic was thoroughly discussed and debated prior to a recommendation being made.

Mr. White pointed out the differences in decks, accessory structures, and patios. He reviewed the language and criteria options recommended by Staff for patio roofs as listed below.

17.xx.050

9. *A patio roof may encroach into the rear yard setback meeting the following criteria:*
- a) *The entire roof is at least twenty (20) feet from the rear property line;*
 - b) *The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;*
 - c) *The roof does not encroach more than 200 square feet into the setback area;*
 - d) *The roof pitch slopes in one direction only.*
 - e) *The highest point of the roof is no higher than ten (10) feet above the finish floor elevation closest to the patio elevation.*
 - f) *The highest point of the roof is no higher than the adjacent roof of the house or eighteen (18) feet above the patio, whichever is lower.*
 - g) *There is no wall, fence, or railing required or constructed along any part of the patio.*
 - h) *The patio and roof meet all building code requirements.*

Commissioner Comments:

Alan Malan would like the criteria added that the patio must be at or below the lowest finished floor.

Laura Charchenko agrees that if we are going to let people build decks into the setback these similar restrictions for patio covers are important. She is not sure homeowners should be limited to one direction roof pitch (d), and overall feels decks are more intrusive to neighbors than patios because of their visibility to the neighbors.

Denis Hopkinson said he has struggled with this issue for some time. He prefers residents to go with an option such as a retractable awning that opens and closes than to make permanent changes to setbacks. He is in favor of treating patios and decks the same but if code is to be changed, he prefers no encroachment by decks or patio covers in the rear setback. Chairman Hopkinson further noted that most of the newer homes will have a deck located at mid-level and safety protocols need to be considered when setting criteria. He feels with all the building that is taking place he would like to tighten up the language and not allow encroachments so that the open feel of our City is not compromised. He wants sharp, defined requirements with understandable language and no room for exceptions. His preference would be to change #9 to read "*a patio roof may not encroach into the rear yard setback with the following criteria: a-h.*"

Corey Sweat feels residents should be allowed to cover their patios and feels we should mirror what we require for the decks. He does not want to allow code that is going to create a nuisance for neighbors. He wants to allow people as much freedom on their property as they would like but is strongly opposed to adjusting the setbacks or building into the setbacks. He does not want any gray

area. He desires to minimize impact, making the code as feasible as possible while keeping safety in mind.

Mike Cottle concurs with Commissioner Sweat. He feels that we are trying to put too much red tape in the process and are losing what we already have in place.

Dee Vest asked why we would only allow a sloping roof in one direction. Ben White explained this is only one roof top option to consider.

Councilmember Enquist suggested making a definition for a patio and a separate definition for a deck. Ben White noted that a deck becomes a deck when it is 30 inches off the ground.

Councilmember Enquist expressed that the Council was mostly requesting the review of patios being covered and not decks.

Much discussion took place regarding some of the suggested criteria from Staff, viable ways to change the code, and pros/cons of changing what is in place already including impacts to both homeowners and neighbors.

All Commissioners agree that they want to allow the property owner as many rights on their property as possible, but many things must be considered in many different scenarios. With new state laws that limit our ability to deny conditional use permits, it is difficult to come up with a solution that will work out in all situations. Some discussion took place regarding having different requirements for the different zones or different size properties.

Most commissioners would prefer to eliminate the language allowing decks to encroach into the setback which then eliminates the need to also allow covered patios. Mr. White reminded the commission that the reason deck language was implemented was because decks were being built next to, but not attached, to homes. If they decide to eliminate the deck and patio cover allowances, changes to accessory structure regulations should be modified.

Steve Sundstrom took the stand to share his opinion regarding the discussion this evening. He bought a home that was already built and desires to build a patio with a nice roof over it. He currently has a retractable cover but does not like it. He would like to be able to keep patio furniture under the roof year-round. He said he wanted to follow the rules and was surprised when he came to the city for a building permit that it was not allowed. He has done research showing that other surrounding cities are more lenient than West Bountiful. He does not understand why people can build big barns very close to their neighbors, or have decks that encroach into the setback, while he cannot build a cover over his patio. He added that as much as he likes West Bountiful, he wishes he had not bought his home here.

There was more discussion about setbacks in other cities. **Laura Charchenko** suggested one way to eliminate the problem would be to set the rear setback at 25 feet which gives the property owner 5 more feet and eliminates the need for all the criteria.

Corey Sweat strongly opposes changing the setbacks. He said we are here to keep people from intruding upon their neighbors. If it is changed to a hard 25 ft. now, in five years from now it will likely change again. He feels that the criteria are redundant.

Mr. White explained that it is important to have criteria. We must know what is acceptable to us.

Discussion proceeded to 17.xx.060 – Height Regulations

Ben White stated that with new State legislation we need to look at eliminating the use of conditional use permits where possible and put criteria in place that pertains to everyone. We cannot make things up as we go along. We are establishing what our neighborhoods look and feel like now and in the future. He reviewed the new height regulations proposal below.

1. *Maximum Height of Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof. Accessory buildings greater than one story or twenty (20) feet in height whichever is lower may be erected provided the following criteria is met:*
 - a) *The accessory structure may not be taller than the main structure*
 - b) *The accessory structure must set back a minimum of ten feet from any side or rear property line.*
 - c) *For every one foot in height above twenty feet, the structure must set an additional one foot from any side and rear property line.*
 - d) *The maximum height of an accessory structure is 30 feet including any appurtenances such as chimneys and cupolas.*
 - e) *Second story windows must be non-opening.*

Alan Malan would like to remove the restriction in (e) for non-opening windows for safety reasons but would like to require obscured glass. Discussion took place and some felt obscured glass should only be considered on sides facing neighbors. **Commissioner Malan** also suggested adding criteria that lights in the setback must be down lighting and not more than 10 feet high.

Chairman Hopkinson concurred that we need to have regulations in place for staff to use that reflects the look and feel we want for our community. He asked staff to make the changes discussed this evening for the next scheduled meeting.

Councilmember Enquist would like to explore what the surrounding neighborhoods are doing for setbacks, height, zone. Mike Cottle noted that we are different from other cities around us and want to be. Staff will do some homework and bring back what they find.

3. Discuss Proposed Modifications to WBMC Title 17- Parking.

ACTION TAKEN:

Corey Sweat moved to table this item due to the length of time spent on the prior item. Denis Hopkinson seconded the motion and voting was unanimous in favor.

4. Staff Report

Ben White:

- No report

Cathy Brightwell:

- Informed the Commissioners that Holly Refinery will be at the next City Council meeting to discuss the false alarms they have been having lately and Commissioners are invited to attend.
5. Consider Approval of Minutes from December 11, 2018 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the December 11, 2018 meeting as present. Denis Hopkinson seconded the motion and voting was unanimous in favor.

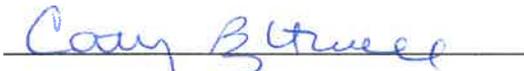
6. Adjournment

ACTION TAKEN:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:47 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on January 22, 2019 by unanimous vote of all members present.


Cathy Brightwell – City Recorder

