

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Denis Hopkinson

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

**THE PLANNING COMMISSION WILL HOLD A REGULAR
MEETING AT 7:30 PM ON TUESDAY, OCTOBER 13, 2020**

Meeting will be held exclusively via Zoom (see info below)

The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.

Prayer/Thought by Laura Charchenko

1. Accept Agenda.
2. Public Hearing Regarding a Request by Blake Heller to have his Property, or in the Alternative the Entire Heritage Pointe Subdivision, Removed from the Historic Overlay District.
3. Consider Request by Blake Heller to Remove property at 862 Heritage Pointe Circle from the Historic Overlay District.
4. Discuss Historic Overlay District Regulations.
5. Staff report.
6. Consider Meeting Minutes from September 22, 2020.
7. Adjourn.

Join Zoom Meeting

<https://us02web.zoom.us/j/87376051633>

Meeting ID: **873 7605 1633**

One tap mobile

+16699006833,,87376051633# US (San Jose)

+12532158782,,87376051633# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

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+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

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 October 9, 2020 by Cathy Brightwell, City Recorder.

Mayor
Kenneth Romney

**City Engineer/ Zoning
Administrator**
Kris Nilsen

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Community
Development**
Cathy Brightwell

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Dee Vest, Alt.

NOTICE OF PUBLIC HEARING

A public hearing will be held electronically via Zoom by the West Bountiful Planning Commission on Tuesday, October 13, 2020 beginning at 7:30 p.m.

The purpose of the hearing is to receive public comment regarding a request to remove from the Historic Overlay District the property at 862 Heritage Pointe Circle, or in the alternative to consider removing the entire Heritage Pointe subdivision from the Historic Overlay District.

A complete description of the Request is available for review at www.WBCity.org under the Public Notice tab.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org

Cathy Brightwell
City Recorder

Join Zoom Meeting

<https://us02web.zoom.us/j/87376051633>

Meeting ID: **873 7605 1633**

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APPLICATION TO REZONE/CHANGE TEXT

West Bountiful City
PLANNING AND ZONING
550 N 800 W
West Bountiful, UT 84087
(801) 292-4486
www.WBCity.org

PROPERTY ADDRESS: 862 HERITAGE POINT CIR. DATE OF APPLICATION: 9/16/20
PARCEL NUMBER: 06-286-0030 CURRENT ZONE: R1-10 PROPOSED ZONE: HISTORIC OVERLAY
LEGAL DESCRIPTION ATTACHED: YES NO

Applicant Name(s): BLAKE HELLER
Applicant Address (if different than above): SAME
Primary phone: 801-831-7673 E-mail address: blakeheller2000@yahoo.com

Describe in detail the request being made and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

IT IS MY DESIRE TO BUILD A DETACHED GARAGE ON THE PROPERTY AT 862 HERITAGE POINT CIR. DUE TO THE MULTIPLE INTERPRETATIONS AND RESTRICTIONS PLACED ON THE NEIGHBORHOOD THROUGH THE CLORIS AND THE HISTORIC OVERLAY DISTRICT REGULATIONS, I REQUEST TO HAVE MY PROPERTY REMOVED FROM THE HISTORIC OVERLAY DISTRICT AND/OR HAVE THE ENTIRE SUBDIVISIONS HISTORIC OVERLAY REGULATIONS DISSOLVED. WITH ONLY ONE LOT REMAINING TO BE BUILT-ON AND THE NEIGHBORHOOD BEING ESTABLISHED I BELIEVE IT WOULD BE IN THE CITY'S BEST INTEREST TO DISSOLVE AND NOT HAVE TO MANAGE THE HISTORIC OVERLAY DESIGN REGULATIONS ANY LONGER.

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 9/16/20 Applicant Signature: Blake Heller

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: Sept 16* Public Hearing Date: Oct 13
Letters sent to affected neighbors: Oct 2 Public Notice Sign Placed Oct 2
Planning Commission Approval: _____ City Council Approval: _____

* addl fee waived/transferred from Cent. of Approp Application

MEMORANDUM



TO: Planning Commission

DATE: October 9, 2020

FROM: Staff

RE: Request to Rezone out of the Historic Overlay District – 862 Heritage Pt Cir.

As discussed at the September 29th planning commission meeting, Blake Heller has requested to have his property at 862 Heritage Pointe Circle removed from the Historic Overlay District codes and/or have the entire Heritage Pointe subdivision's historical codes dissolved.

Removing this property from historical district codes requires a zone change or text change which are legislative actions that first require review and recommendation from the planning commission. To begin this process, this memo will (1) review the background on the Historic Overlay Zone, (2) review Mr. Heller's request, and (3) review the next steps in this process.

Background – The Historic Overlay District

- 2007 - The current historic overlay district appears to have roots in an ordinance that established a historic preservation commission and the idea of historic districts with enforceable standards. This was done at least somewhat in conjunction with the Heritage Pointe subdivision.
- 2012 – The Historic Overlay District is added to the West Bountiful City Municipal Code as a land use ordinance. The ordinance mapped the district and created standards the architectural review board would use to review the appropriateness of construction in the district. Again, this was done to help address construction in the Heritage Pointe subdivision, but the district map included areas outside of the subdivision. The map and the architectural standards are attached with this memo.
- 2014 – The Hopkinson property at 1277 N 800 W was removed when creating a new lot.
- 2016 – The Jones property at 887 N 800 West removed Lot 15 of Heritage Pointe to facilitate an addition to an existing home that was not in the Historic District.
- 2017 – The Manors at McKean Meadows subdivision removed the entire property at the time of development, except Lot 1 that fronts 800 West.
- 2020 – The Winegar property at 788 N 800 West was removed from the Historic Overlay District to facilitate the addition of an accessory structure. At the time of the vote, members of the city council expressed a desire to have the planning commission review the need for the historic district or its design standards.

The review and enforcement of historic design elements within the Heritage Pointe subdivision has put the city in a position more akin to a homeowners' association rather than a body protecting a historic neighborhood. This function was initially the responsibility of the Historic Preservation Commission, and when the group dissolved, it was assigned to a newly created Historic Architectural Review Board. By ordinance, this group consists of a member of the city planning department, a licensed architect who has

experience with Utah historic design, and the chairman of the Historic Preservation Commission. (The architect participating in this capacity recently resigned, and the Historic Preservation Commission dissolved approximately ten years ago so planning commissioner Alan Malan has been filling their role.)

Within the current historic overlay district, there is currently one vacant lot in Heritage Pointe and one vacant lot on 800 West yet to be built on.

Heller Request

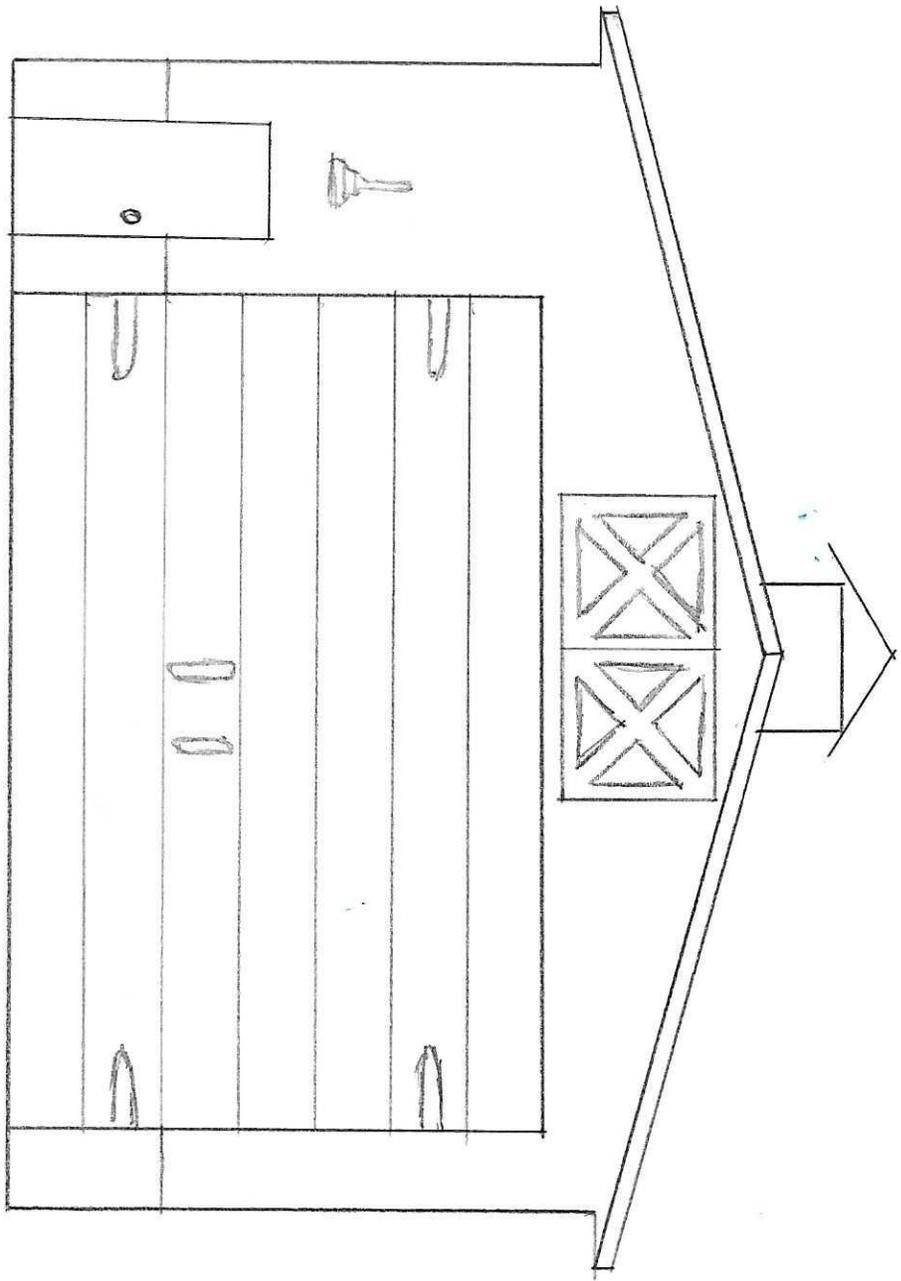
On September 16, 2020, Blake Heller submitted a request to remove his property from the Historic Overlay District or have the entire Heritage Pointe subdivision's design standards dissolved. He desires to build a detached garage on the property but due to the restrictions placed on the neighborhood, he has not been successful in obtaining satisfactory approval from the historic review board. Mr. Heller's application is attached to this memo.

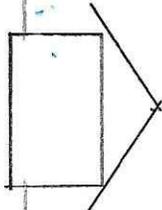
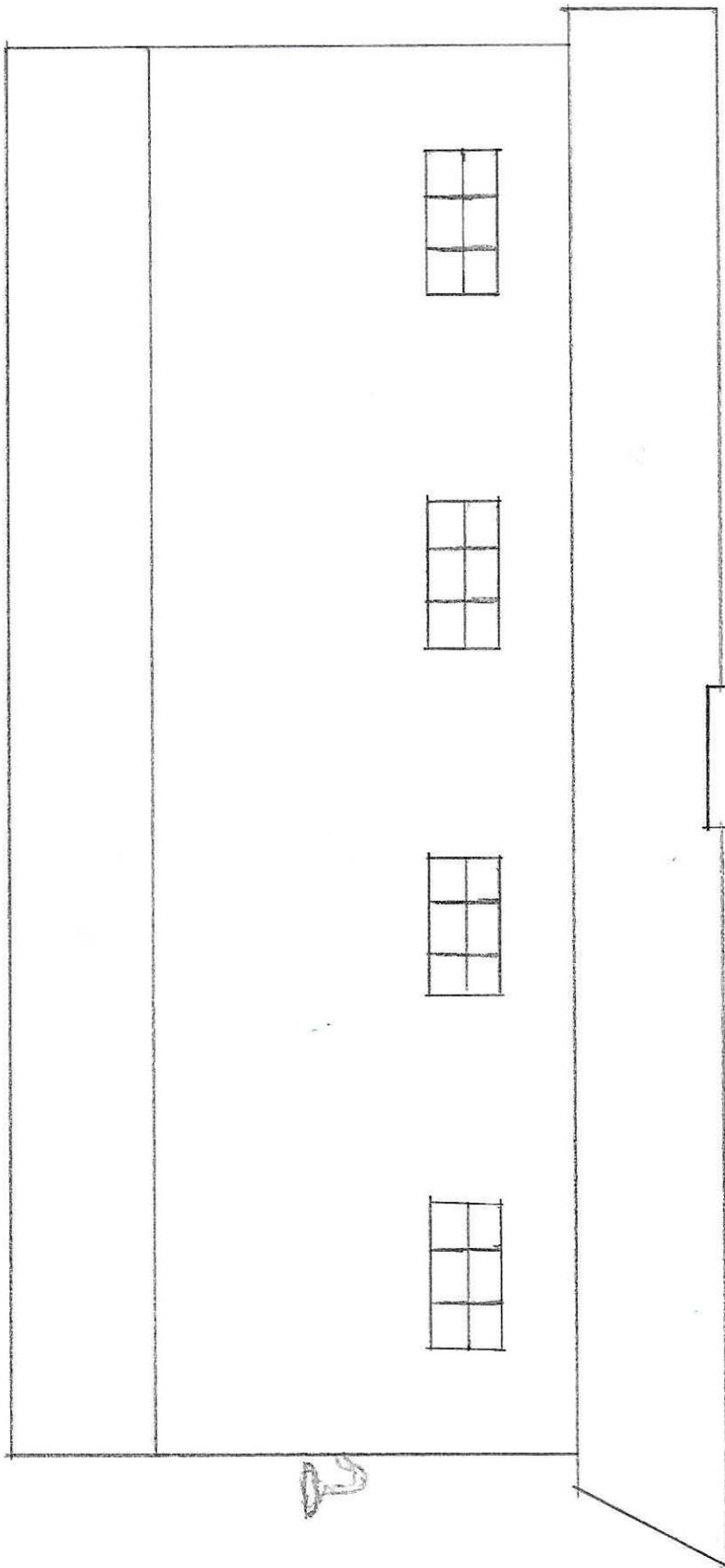
Next Steps

A change to the land use map or text is a legislative decision that will ultimately be decided upon by the city council after the planning commission makes a recommendation for approval or denial. The only other formal element required in this process is a public hearing to be held by the planning commission which is scheduled for October 13, 2020.

As the planning commission reviews and deliberates this request, it may wish to consider the following:

1. How does this request fit within the city's General Plan? This question should be an overriding guideline as the other questions are considered.
2. Is there a continued need for the Historic Overlay District?
3. Is there a continued need for the architectural design standards within the district?
4. Would the removal of this property from the district be in the best interest of the community and property owner? If so, can both the community and private benefits be described?





WEST BOUNTIFUL MUNICIPAL CODE

17.24.110 Historical Overlay District

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to preserve, protect and enhance historic areas and sites within the city. These historic areas, included in the R-1-10 district, are designated as the West Bountiful Historical Overlay District. (See the West Bountiful zoning map for details.)

No dwelling or other building shall be erected or extensively altered on any lot in the historical district without the review and favorable recommendation of the construction plans by the architectural review board, as provided below. An architectural review board consisting of a member of the city planning department, licensed architect who has experience with Utah historical design, and the chairman of the Historic Preservation Commission will be responsible for reviewing historical design. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit. The applicant will pay a historic architectural review fee, as set periodically by resolution of the City Council.

Unless expressly stated to the contrary in this chapter, all provisions of the West Bountiful City Building Code and Ordinances shall apply in addition to the provisions of the Historic Preservation Commission Ordinance (Chapter 2.44) and this section. In the case of any direct conflict between this section and other provisions of the West Bountiful City Code or Ordinances, the more restrictive provision shall apply.

For new construction within the historical district, the following process will be used.

1. The owner or developer will submit an application for a Certificate of Historic Appropriateness and design plans to the zoning administrator. All construction plans and specifications shall include a list of the proposed construction materials which will be in harmony with the requirements of this ordinance as well as the exterior design of the existing structures in the historical district.
2. Design Standards - To ensure historic appropriateness for new construction within the historical district, projects shall be compatible in design, character, size, and proportion to existing historic buildings in the district. New construction shall enhance the historic qualities and unique feeling of the historic areas of the city and shall not erode the character of the neighborhood and shall conform to the following standards:
 - a) Building Design. The West Bountiful historical district evolved over an approximate 100-year span and includes houses of many sizes and architectural styles. Lot sizes and setbacks are not consistent. These variations are part of the unique appeal of the area and should be respected and preserved as much as possible. New development in the historical district shall emulate this pattern by incorporating various size lots, various size houses, and various architectural designs appropriate to time period and area. There are fine architectural examples of Victorian, Prairie style, Craftsman, Bungalow, English, Temple/Greek Revival, and cottage styles in the historical district all of which are appropriate architectural styles for new construction. In addition, many other architectural home designs built in Utah between 1848 and 1940 may be appropriate, as determined by the architectural review board.
 - b) Size. The size of the home shall correspond with the size of the lot. The house and all accessory buildings shall not cover more than 40% of the lot.
 - c) Height. One-story, one and one-half story (upper floor incorporated into the roof line), and two story homes (with an attic above the 2nd story) are appropriate. However, the height cannot be more than 35 feet above the curb level.
 - d) Exterior Facades. Brick is the predominant building material in the historical district. Therefore, the majority of houses should be brick with a fewer number of stone and clapboard homes. Appropriate materials for the outside walls of homes, garages, carriage

houses and other outbuildings are brick, stone/cultured stone or wood/fiber-cement board (such as James Hardee). Contrasting materials may be used for pillars, lintels, quoins, keystones, trims, etc. but must receive positive recommendation by the architectural review board. **Brick wainscot, vinyl siding, aluminum siding, and stucco panels will not be allowed.** Walls, roof shapes, windows, doors, porches, and ornamental detail shall be historically correct for the home's architectural style and period of history.

- e) Windows. Windows shall be appropriate in style and size for the home's period of architecture and must be uniform throughout the house. Windows must be recessed at least one inch from the outside of the exterior trim.
 - f) Colors - shall be historically appropriate to the home's architectural style and period of history.
 - g) **Garages and other outbuildings. All houses shall be constructed with a garage for not less than two (2) vehicles and not more than three (3) vehicles. Garages must be the same architectural style and color as the home and may be (1) detached and located toward the back of the lot, (2) attached and flush to the house or extend up to five feet in front of the house if the garage is built to appear as part of the house and has a side or back opening, or (3) attached with a front opening if the front of the garage is set back at least five feet from the front of the house. The garage and other outbuildings shall be subordinate to the house and shall conform to the architectural style of the home.**
 - h) Fences. No privacy fences are allowed from the front of the home to the street. However, low fences in wood/wood composite, ornamental iron, brick, rock, natural hedges, shrubs or any combination of the above may be used in the front yard as part of the landscaping. All fences shall comply with Section 17.24.100 of the West Bountiful Municipal Code, be appropriate to the style of the home and must receive positive recommendation by the architectural review board.
 - i) Driveways, sidewalks, steps, lighting, and landscaping shall be historically appropriate to the home's architectural style and period of history.
3. The architectural review board shall have 30 days to review the plans. Upon completion of the review, the board will either; (a) recommend the plans and specifications as submitted, or (b) notify the party making such request of any objections (such objections to be specifically stated). If objections are noted, the requesting party may resubmit a request for recommendation rectifying any such objections to the city. The architectural review board shall then have an additional 10 days after receipt of said revisions for review. The recommendation or denial of submitted plans shall be in writing and returned to the party making a submission, together with a notation of recommendation or denial and the date affixed to one copy of such plans and specification.
4. Upon approval of a Certificate of Historic Appropriateness by the architectural review board the owner or developer may obtain a building permit from the City. Building inspections and/or occupancy approvals will be withheld if the structure is not in compliance with the historical design approved by the architectural review board. For homes in the historical district, a bond will be required to assure compliance with approved architectural design. The amount of the bond will be set periodically by the City Council.
5. An applicant who has been denied any permit based on the architectural review board's refusal to issue a Certificate of Historic Appropriateness may appeal denial to the planning commission, acting as the appeal authority, in accordance with the procedures provided in Chapter 17.08.
6. Enforcement. The provisions of this section are subject to the enforcement provisions established in the current building code adopted by West Bountiful City, the West Bountiful Municipal Code, and other applicable laws.

MEMORANDUM



TO: Planning Commission
DATE: October 9, 2020
FROM: Staff
RE: Historic Overlay District

The city council has asked the planning commission to review the Historic Overlay District and make a recommendation on the need to continue the building and design standards. Multiple properties have been allowed to be removed from the District and a review to determine whether these regulations are still relevant is needed.

Background

The current historic overlay district appears to have its roots in an ordinance that established a historic preservation commission in 1994. This group was comprised of volunteer residents who had an interest in preserving and protecting historic homes in the city. The Commission was charged to survey and inventory community historic resources, review proposed nominations to the national register of historic places, establish a West Bountiful historic sites list, and to provide advice and information to city officials.

In 2007, the historic preservation commission was given additional duties to act as a review and enforcement committee for historic streetscapes, landscapes, and architectural design standards. This oversight included the historic homes on 800 West as well as the Heritage Pointe subdivision.

In 2012, an ordinance was adopted which stated that the review and approval of design plans within the city's historic district is better handled by an architectural review board managed by the city's planning department. The city's zoning map was modified to show the boundaries of the Historic District, which was not well documented but based on best information available at the time.

In 2015, the Historic Overlay District ordinance was adopted and created the Architectural Review Board consisting of the zoning administrator, the chairman of the historic preservation commission, and an architect experienced in historic designs. This District is fully within the R-1-10 zone and the building and design regulations applied to dwellings and buildings that are erected or extensively altered within the District.

Current District

The Historic Overlay District consists of approximately 27 homes/lots along portions of 800 West and the 36 lots in Heritage Pointe subdivision. As far as possible future development, these numbers include 1 vacant lot in Heritage Pointe and on 800 West, 1 vacant lot and a 6.7 acre property.

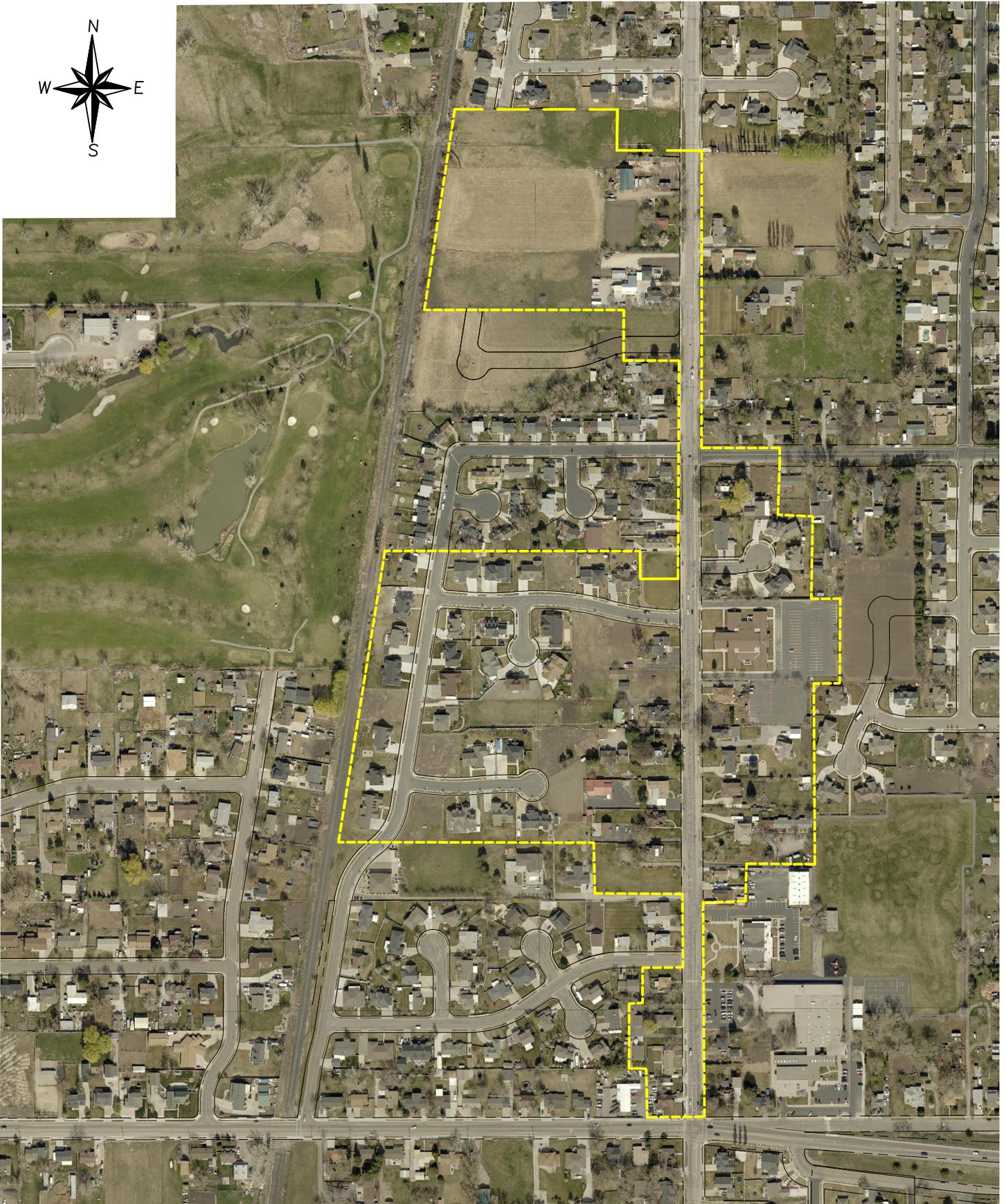
The attached map shows the boundaries of the Historic Overlay District which are irregular in shape. On the east side of 800 West, the District begins at the Fisher home on 1000 N and goes south to the Mackey home on the north side of city hall. This includes the Pages Circle subdivision built in 2007 and an LDS chapel.

On the west side of 800 West, the District begins with the Hopkinson property (1200 N) and goes south to the DeWaal home on 400 N. The west boundary juts in and out in several places excluding a few homes built in the late 1800's. This west portion also includes the Heritage Pointe subdivision.

The age of homes in the District range from 1882 to 2019.

The zoning map and historic overlay regulations are attached for your review and discussion.

WEST BOUNTIFUL HISTORIC DISTRICT



**West Bountiful City
Planning Commission Meeting**

September 29, 2020

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 September 25, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 29, 2020 at West Bountiful City Hall, Davis County, Utah. Meeting was rescheduled from September 22.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held by teleconference measures using Zoom.

MEMBERS ATTENDING: Vice Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko, and Council member Kelly Enquist.

MEMBERS EXCUSED: Chairman Denis Hopkinson

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) in house and Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Blake Heller

The Planning Commission meeting was called to order at 7:30 pm by Vice Chairman Alan Malan. Mike Cottle offered a prayer.

Vice Chairman Malan read the following message: *The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.*

1. Accept Agenda

Vice Chairman Alan Malan reviewed the agenda. Corey Sweat moved to approve the agenda as presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among all members present.

2. Discuss Request by Blake Heller to be Removed from the Historic Overlay District and Schedule a Public Hearing.

Commissioner packets included a memorandum dated September 25, 2020 from Staff, a letter from Blake Heller with an application to Rezone or Remove his property from the Historic Overlay District, and a site plan for the garage he would like to build.

Cathy Brightwell introduced the request and explained that Mr. Heller is seeking to remove his property from the historic overlay district in order to build a garage in his rear yard, or in the alternative have the entire Heritage Pointe subdivision's historical codes dissolved.

Background – The Historic Overlay District

The current historic overlay district appears to have roots in an ordinance that established a historic preservation commission and the idea of historic districts with enforceable standards in 2007. This was done at least somewhat in conjunction with the Heritage Pointe subdivision. The following is a list of what has been done since the overlay district was put into place in 2007.

2012 – The Historic Overlay District is added to the West Bountiful City Municipal Code as a land use ordinance. The ordinance mapped the district and created standards the architectural review board would use to review the appropriateness of construction in the district. Again, this was done to help address construction in the Heritage Pointe subdivision, but the district map included areas outside of the subdivision. The map and the architectural standards are attached with this memo.

2014 – The Hopkinson property at 1277 N 800 W was removed when creating a new lot.

2016 – The Jones property at 887 N 800 West removed Lot 15 of Heritage Pointe to facilitate an addition to an existing home that was not in the Historic District.

2017 – The Manors at McKean Meadows subdivision removed the entire property at the time of development, except Lot 1 that fronts 800 West.

2020 – The Winegar property at 788 N 800 West was removed from the Historic Overlay District to facilitate the addition of an accessory structure. At the time of the vote, members of the city council expressed a desire to have the planning commission review the need for the historic district or its design standards.

The review and enforcement of historic design elements within the Heritage Pointe subdivision has put the city in a position more akin to a homeowners' association rather than a body protecting a historic neighborhood. This function was initially the responsibility of the Historic Preservation Commission, and when the group dissolved, it was assigned to a newly created Historic Architectural Review Board. By ordinance, this group consists of a member of the city planning department, licensed architect who has experience with Utah historic design, and the chairman of the Historic Preservation Commission. (The architect participating in this capacity recently resigned and the Historic Preservation Commission dissolved approximately ten years ago.)

Within the current historic overlay district, there is currently one vacant lot in Heritage Pointe and one vacant lot on 800 West yet to be built on. Cathy Brightwell received a list of several Heritage Pointe homeowners that would also like to be removed from the overlay district.

Heller Request

On September 16, 2020, Blake Heller submitted a request to remove his property from the Historic Overlay District or have the entire Heritage Pointe subdivision's design standards dissolved. He desires to build a detached garage on the property but due to the restrictions placed on the neighborhood, he has not been successful in obtaining satisfactory approval from the historic review board. He proposed the building be constructed of steel, resemble a barn style design with two-tone paint to match his home. The review board determined that metal is not a historic material and will

not allow it in this overlay zone. This is the primary reason Mr. Heller would like to be removed from the zone.

Next Steps

A change to the land use map or text is a legislative decision that will ultimately be decided upon by the city council after the planning commission makes a recommendation for approval or denial. The only other formal element required in this process is a public hearing to be held by the planning commission which is proposed for October 13, 2020.

Staff encouraged the planning commissioners to review and deliberate this request while considering the following:

1. How does this request fit within the city's General Plan? This question should be an overriding guideline as the other questions are considered.
2. Is there a continued need for the Historic Overlay District?
3. Is there a continued need for the architectural design standards within the district?
4. Would the removal of this property from the district be in the best interest of the community and property owner? If so, can both the community and private benefits be described?

Some discussion took place regarding the materials that Mr. Heller wants to use to construct his building. He stated he attempted to comply with the design requirements of the zone and was surprised when his proposal for steel was rejected when the Code only listed aluminum siding as a prohibited material. Cathy Brightwell noted that Mr. Heller has gone to great lengths to make an attractive structure but the Architectural Review Board felt that if they allow steel materials for him, they must allow others in that area to do the same and they may opt for a less expensive and less attractive structure.

Alan Malan, who is a member of the architectural review board, noted that the current historic overlay district code requires new construction to meet certain historic building and design standards. The code as adopted causes structures to be more expensive to build in this District due to the historic design details. Mr. Malan stated that the design regulations are not cut and dry and are open to interpretation. Ms. Brightwell stated that there has been much frustration in this District as standards have been unclear and confusing which has resulted in inconsistent application of the Code. Staff would like things to be clarified to alleviate the frustration.

Corey Sweat pointed out that he does not believe that is how we should serve the public. Language should be clean and clear enough for all to understand. There was discussion about possibly dissolving the District. Heritage Pointe has CCR's that include reference to the Historic design requirements but without a homeowner's association to enforce them, the responsibility has fallen on the city. With only one vacant lot left, it may be time to consider dissolving the historic overlay regulations. Alan Malan noted that the CC&R's are the same as the requirements of the Historic Overlay District and would still remain in place.

Additional discussion took place regarding whether the historic district along 800 West should be dissolved and most agreed that there is still a place for it. The issue was also raised that there be some residents in Heritage Pointe that complied with the Code when their homes were built and may want it to remain in place. Mr. Malan suggested we may look at waiving some impact fees instead of having

them removed from the district. The waiver of fees would free up monies to put toward the additional cost of materials to meet requirements for the district. Cathy noted that impact fees are only imposed when the initial home is built so cannot be waived in Mr. Heller's case when an accessory structure is built. Corey Sweat agreed we need to consider that others before them have borne the cost and it would not be fair to them to change standards in mid-stream.

Councilmember Enquist asked if the standards apply to the year the home was built and Mr. Malan answered in the affirmative.

Mr. Heller stated he has signatures from eight Heritage Pointe residents who would like to see the district dissolved and believes many more that he did not have time to contact would join in. He noted that only one homeowner that he has talked to so far was hesitant because he is fearful of what might be built if those regulations are lifted. Mr. Heller explained that when he purchased his home several months ago, he was not made aware that he was in the Historic Overlay District which included unique building regulations. Mr. Malan noted that the historic designation should have been disclosed on the plat and shown up in the title search. Mr. Heller stated that it was not disclosed in the title report or on any documentation.

The Commission asked that a public hearing be scheduled for October 13 to hear comments to remove Heritage Pointe from the Historic Overlay and asked specifically that all residents of Heritage Pointe be given notice of the hearing and encouraged to provide comments. As far as considering changes to the remaining Historic Overlay District, they asked that a separate public hearing be scheduled in the future once the Commission has time to review and discuss it further, so as not to cause additional delay to Mr. Heller.

3. Discuss Historic Overlay District Regulations

Commissioner packets included a memorandum dated September 25, 2020 from Staff regarding the Historic Overlay District with an attached copy of the regulations.

Cathy Brightwell noted that the city council has asked the planning commission to review the Historic Overlay District and make a recommendation on the need to continue the building and design standards imposed on these homes. Multiple properties have been allowed to be removed from the District and a review to determine whether these regulations are still relevant is needed.

Based on the discussion of the previous agenda item, it was suggested that this item will be included on the next agenda as a discussion only item.

4. Staff Report

Kris Nilsen

- 800 West is close to being finished.
- The bid for pickle ball should be rewarded on October 28th with project completion expected June 1, 2021.
- Paving for the school parking lot should be completed next week.
- They are also making progress on the city's new pavilion behind city hall.

Cathy Brightwell

- The city expects a proposal from Equestrian Partners (Gardner/Plumb) for their westside 127 acre development soon.
- Doug Coons began demolishing the old home on 800 West/Knighton Crt without a permit when a tree fell on it in the windstorm. The project was stopped by DEQ so appropriate inspections and permits could be issued.
- West Bountiful is working with FEMA to determine if funding may be available as part of the State of Emergency from the wind damage.
- Mike Cottle reported that there is a huge branch on 800 West and 10th North hanging over from an oak tree that needs attention so that further damage will not be done if future winds or detrimental weather conditions occur. Cathy will let Steve know about this situation.

5. Consider Meeting Minutes from September 10, 2020

Action Taken:

Corey Sweat moved to approve of the minutes of the September 10, 2020 meeting as presented. Dee Vest seconded the motion and voting was unanimous in favor.

6. Adjourn

Action Taken:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:23 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on October 13, 2020, by unanimous vote of all members present.

Cathy Brightwell – City Recorder