

Mayor
Kenneth Romney

**City Engineer/ Land
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Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
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Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, JULY 27, 2021 AT THE CITY OFFICES**

This meeting will be held in-person

1. Prayer/Thought by Commissioner Vest.
2. Accept Agenda.
3. Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units.
4. Discuss Proposed Changes to Housing in Certain Commercial Areas Overlay (HCCO) and Set Public Hearing for August 10, 2021.
5. Discuss New Clear View Area and Fence Regulations (WBMC 17.50) and Set Public Hearing for August 10, 2021.
6. Discuss Implementing Water Efficient Landscape Regulations.
7. Staff report.
8. Commission Training.
9. Consider Meeting Minutes from July 13, 2021.
10. Adjourn.

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on July 22, 2021 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: July 22, 2021

FROM: Cathy Brightwell, Kris Nilsen, Steve Doxey, John Janson, Jake Young

RE: Proposed Updates to Accessory Dwelling Unit (ADU) Regulations

The commission has been reviewing Accessory Dwelling Units since last fall, and at its last meeting made a formal recommendation for the city council to adopt the amended ordinance.

As staff was making the final changes as directed by the commission, we realized a little more discussion on enforcement and penalties was needed before going to city council. WBMC 17.08.050 is referenced in the new ADU ordinance and says that a person who violates any of the provisions shall be guilty of a Class B misdemeanor. The question is what process should be followed?

Process for having an ADU.

1. Submit an application to Register an ADU. If construction is necessary, the application will accompany a building permit application. This Registration will provide the necessary information to determine if the ADU complies with our city code and building code. Once approved, it will be used to track the ADU.
2. Prior to issuance of a certificate of occupancy (for new construction and/or conversion) an ADU Agreement will be signed and recorded on the property. This agreement will include the regulations that must be followed to have an ADU and provide notice to future owners of the property.
3. Both of these documents will be required regardless of whether the homeowner intends to use the ADU as separate living quarters.

Enforcement & Penalties for Non-compliance.

1. When the city becomes aware that an ADU is being operated in a manner inconsistent with ADU regulations, notice will be provided to the homeowner that penalties may be imposed if the violation is not corrected within 30 days. This may include an inspection of the property.
2. If the city determines that the violation is continuing, monetary fines may be imposed, the registration will be revoked, and a notice of non-compliance will be recorded on the property.
3. If the homeowner continues to be non-compliant, the city may prosecute.

17.82 Accessory Dwelling Units

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

- A. To accommodate such housing in single family residential neighborhoods in accordance with state law.
- B. To provide an alternative housing option.
- C. To provide uniform standards for ADUs.

17.82.020 Definitions

As used in this chapter, the following terms have the following definitions:

“Accessory dwelling unit,” or “ADU,” means a separate dwelling unit, created within or attached to a single family dwelling, that complies with the provisions of this chapter.

“Primary dwelling” means the main dwelling within the single family dwelling of which an ADU is a part or to which it is attached. The primary dwelling, independent of any ADU, shall meet all applicable requirements for a single family dwelling under this title, the current building codes adopted by the City, and state law.

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

17.82.040 Development Standards

The development standards in this section shall apply to all ADUs.

- A. Application. An application **to register an ADU** in a form provided by the City will be required for all ADUs. The application will be processed as a permitted use.
- B. Location. An ADU shall be allowed only within or attached to an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under Section 17.82.040.I
- C. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
- D. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. A minimum of one (1) additional off-street parking space shall be provided and designated for each ADU, regardless of whether the primary dwelling is existing or new construction when the ADU is created. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are **also** allowed. ~~if the structure to be used as an ADU was in existence at the time of adoption of this ordinance, and the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance.~~

- E. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- F. Size. No minimum or maximum size is established for an ADU by this ordinance except that the unit shall contain at least a living area, kitchen area, sleeping area and bathroom facilities that comply with applicable provisions of this title, the current building codes adopted by the City, and state law.
- G. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.
- H. Architecture. An ADU that is added onto or created within an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
- I. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- J. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under Section 17.82.040.I.
- K. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.
- L. Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.
- M. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section ~~2.64~~17.08.050. (see below)

17.08.050 - Any person, firm or corporation, whether as principal, agent or employee, who violates or causes the violation of any of the provisions of this title shall be guilty of a Class B misdemeanor and upon conviction thereof shall be punished as provided by law.

In addition the following may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use:

1. *The city by action of the city council; or*
2. *Any owner of real estate within the zoning district in which an alleged violation of this title has occurred.*

WBMC 8.12.080 Nuisance

B. Monetary Fine.

1. The Responsible Person shall pay the City a monetary fine for each day the nuisance continues after the Completion Date. The nuisance shall be considered to continue until the Nuisance Enforcement Officer approves the Responsible Person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:
 - a. One Hundred Dollars (\$100.00) per day for each day during the first week that the nuisance remains uncorrected or unabated after the Completion Date;
 - b. Two Hundred Dollars (\$200.00) per day for each day thereafter until the nuisance is corrected or abated according to the terms set forth in the administrative citation.
2. The monetary fine shall be cumulative and may not be waived by the Nuisance Enforcement Officer. Payment of a monetary fine pursuant to this section does not relieve the Responsible Person from the duty to abate the nuisance as required by the Voluntary Consent Agreement or the administrative citation. The monetary fine constitutes a personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the City within ten (10) calendar days from the date of mailing of a notice from the City that the fine is due.
3. The City Attorney or his designee is authorized to take appropriate action to negotiate the amount of the monetary fine, collect the monetary fine, determine the time period in which the fine shall be paid and take any other action necessary to resolve the fine. In determining the time period in which to pay, the City Attorney or his/her designee may take into consideration the number of days between the required Completion Date and the actual Completion Date, Nuisance Enforcement Officer input, and the Responsible Person's cooperation.
4. The City may also collect reasonable attorney fees and costs incurred in collecting the monetary fine where allowed by law.

C. Civil Actions. The City may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or other applicable law.

D. Criminal Actions. Criminal actions may be initiated by criminal citation from the Nuisance Enforcement Officer if such officer is also a Police Officer.

1. Any person who maintains or assists in maintaining a nuisance is guilty of a Class C misdemeanor. No person shall be prosecuted under this subsection (1) unless the Nuisance Enforcement Officer first attempted to obtain voluntary correction as provided in this ordinance.
2. If the alleged nuisance is also a violation of a provision of City Code (other than this nuisance ordinance) or State law, the Responsible Person may be charged under the specific provision of City Code or State law, even if the Nuisance Enforcement Officer did not first attempt to obtain voluntary correction as provided in this ordinance.
3. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the Responsible Person, in the performance of duties imposed by this ordinance, or

a decision and Order issued by the Hearing Officer, or a Voluntary Correction Agreement, is guilty of a Class B misdemeanor.

- E. Abatement by Eviction. Whenever there is reason to believe that a nuisance under section 8.12.020(A-F) is kept, maintained, or exists in the City, the City Attorney or any resident of the City, or any person or entity doing business in the City, in his or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in Utah law.
- F. Non-exclusive Remedies. The City may take any or all of the above-mentioned remedies (administrative, civil, or criminal) to abate a nuisance and/or to punish any person or entity that creates or causes a nuisance or, with the right to control, use, or occupy property, allows a nuisance to exist on the property. The abatement of a nuisance does not prejudice the right of the City or any person to recover damages or penalties for its past existence.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

MEMORANDUM



TO: Planning Commission

DATE: July 22, 2021

FROM: Cathy Brightwell, Kris Nilsen, Steve Doxey, John Janson, Jake Young

RE: Housing in Certain Commercial Areas Overlay (HCCO) Discussion

An overlay that would allow housing in certain commercial areas was discussed at the April 27, 2021, joint meeting with city council, and the planning commission was asked to work on the issue and make a recommendation.

The city's General Plan specifically calls out the 500 W and 500 S corridors as suitable locations for higher density housing to increase housing options. Additionally, changes are occurring in the retail industry (like the growth of on-line sales), and it is likely that in the future the city's older retail areas will need additional re-development options. By taking the lead on this issue, the city can select the areas it deems more attractive for this type of housing while protecting its commercial base and primary residential areas.

The commission has reviewed and discussed several versions of the attached proposal and directed staff to make a final set of amendments for review at its July 27, 2021, meeting. Following review of this latest draft, a public hearing is tentatively scheduled for August 10, 2021.

17.42 Housing in Certain Commercial areas Overlay (HCCO)

17.42.010 Purpose

- A. To introduce more flexible housing types within specified commercial areas.
- B. To create a greater mix of uses in locations that provide transportation options and access to needed services.

17.42.020 Applicability

- A. The HCCO shall only be applied to the C-H and C-G zones along 500 West and 500 South.
- B. Rezoning required – if approved, the HCCO includes the uses currently allowed in the underlying zone (C-H or C-G), plus residential uses as described below. In addition, the zone requirements apply, except when more restrictive requirements or new requirements are prescribed in this chapter.

17.42.030 Development agreement

Development Agreement required – all applicants shall enter into a development agreement with the City to assure that the development negotiated and defined during the rezone process reflects the actual construction of the project.

17.42.040 Uses

In addition, to the uses allowed in the underlying zone, townhouses, multi-family, and mixed-use buildings shall be permitted pursuant to the requirements and procedures of this chapter.

17.42.050 Site design requirements

- A. Heights and Setbacks
 1. All new residential buildings in the HCCO shall be set back from residentially zoned properties by thirty (30) feet and such buildings shall not exceed thirty (30) feet in height at the thirty (30) foot setback. Building height may be increased beyond the thirty (30) foot setback to a maximum- height of sixty (60) feet for multi-family and mixed use buildings and thirty-five (35) feet for townhouses with an additional one (1) foot setback required for every additional foot of increased height. Building height shall not include stairway or elevator access structures, and rooftop garden structures such as shade structures on rooftops, **as long as they do not exceed an additional 12 feet in height.**
 2. Front yard setbacks shall be landscaped with no less than a twenty (20) foot setback from a public right-of-way. Buildings taller than fifty (50) shall be setback one (1') additional foot for each two (2) feet of additional height over fifty (50) feet.
 3. Side yard setbacks – ten (10) feet unless located next to a residential zone, see above requirement.

- B. Building orientation. Buildings shall face the adjacent public ROW. Buildings located behind other buildings or designed to face a driveway/drive aisle, may be oriented a different direction, except that they may not face a residential zone. New residential buildings shall include a six (6) foot walkway to connect to the sidewalks along 500 West, 400 North, and/or 500 South.
- C. Location of parking – exterior parking shall be located underneath, to the side or to the rear of the building(s). An above grade parking garage within the interior of a residential building having more than 20 units, if located within 50’ of a public right-of-way shall include commercial uses that wrap the street facing façade.
- D. Dumpsters – shall be located to the side, rear, or interior of the building(s) and shall be enclosed on three sides with a 6’ masonry wall and the fourth side shall include a gate.
- E. Lighting – all lighting shall be downward directed and shielded to prevent light trespass beyond the property line. Lighting fixtures shall be dark sky compliant with a cutoff shield not allowing light to go upward. LED light fixtures are required. Parking lot lights shall be no taller than 20’. The following locations shall be lit at a minimum: building entrances, sidewalks to parking, parking areas, outdoor gathering plazas and driveway entrances to the site.
- F. Landscaping – 10% of the total site (building, parking, buffers, etc.) shall be landscaped, and include irrigation. The site landscape shall include **a minimum of 5 (alt 12) 15-trees and 15 (alt 40) 50-shrubs per acre. Trees shall be a minimum of 1.5” caliper and shrubs 5 gallon, 2 – 1 gallon ornamental grasses or perennials equal one shrub up to 50% of requirement.** The use of xeriscape materials such as rock or wood mulches (including a weed mat) are allowed for up to 50% of the landscaping. Water-wise landscaping is required. Within the landscape areas a maximum of 50% coverage may be turfgrass. No turfgrass in areas less than 10 feet in width; these areas must be landscaped with shrubs, trees, or rock/mulch.

Setbacks intended as buffers as described in A above, shall be landscaped. Required buffering of adjacent residential zones shall include a six (6) foot masonry wall located on the property line, medium to large trees planted every thirty (30) feet, and an inert mulch and turf/groundcover at a 50/50 ratio. Such areas may also incorporate spaces for recreational activities, where thirty (30) or more feet of depth is available **and a separation from the residential zone of 15 feet can be achieved.** Landscape areas that include a recreation function, may count toward the required 10% ~~recreation~~ **park space area requirement.**

Irrigation systems shall be managed by an EPA waterwise ~~sense~~ irrigation controller. Smart irrigation practices such as drip and sensors are encouraged.

A professional stamped landscape and irrigation plan, by a professional landscape architect, engineer, or a certified irrigation designer, including plant locations/types, grading, and irrigation systems will be reviewed and approved by city staff. ~~the Parks Department is required.~~

- G. Park/Open space options and requirements – 10% of the lot area is required to be devoted for usable passive and/or active recreation space. This is in addition to the required landscape area. Usable landscapes include squares, plazas, active recreation (courts/fields), community gardens, and patios.

Roof top gardens and leisure spaces are encouraged. Where roof tops are proposed for use as a recreation space, parapet walls shall be increased to four (4) feet or decorative fencing may also be used above the required two (2) foot parapet wall.

A passive people-oriented space/plaza surrounding the primary building entrance of at least 2500 square feet shall be included that has shade trees and seating for residents. The plaza shall count toward the open space requirement.

- H. Twenty-four (24) hour on-site management is required for complexes containing more than 20 units. For projects with 20 or less units, on-site management is encouraged.

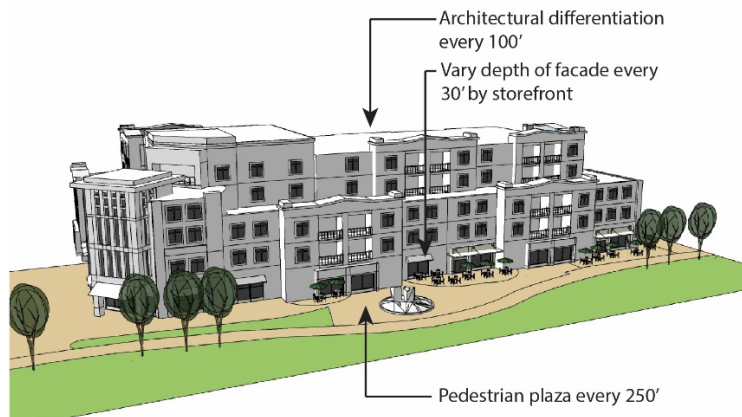
17.42.060 Building Design Requirements

A. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. New development shall incorporate timeless common, locally found materials such as granite, stone, sandstone, and brick as part of the first floor of each building for at least 65% of the first floor, excluding the windows. All stories above the first floor shall incorporate at least 50% of the above specified materials. Other materials may be considered by the ~~Zoning Administrator~~ **Planning Commission** for soffits, or as accents or unique architectural features. Twenty-five (25) year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs. Flat roofs shall be encompassed by a minimum of a two (2) foot parapet/wall.

B. Façade treatments

No new building elevation may exceed 100 feet in length without at least a 3-foot variation in the depth of the façade along the public right of way and a 2-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 200 feet in width. Top floors shall have architectural differentiation from the other floors of the building and rooflines shall vary every 50 feet, at a minimum. For first floor uses in the mixed-use building type, the appearance of small shops/storefronts with variation in the first floor façade at least every 30 feet is required. Pedestrian plazas are encouraged for every 250' of the front face of a building.



C. Building types

1. **Townhome** - Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units. Parking and private garages shall be to the rear of the building allowing the primary façade to front a public street or public greenspace. Provide outdoor balconies or patios for 100% of the units at a minimum of six (6) feet deep and sixty (60) square feet each. Where private garages are proposed, they shall be wired for at least one 220-volt line for electrical vehicle charging. Guest parking shall not include any driveway that accesses a garage.



2. **Multi-family** –A multi-story building that contains residential uses internal to the structure with parking to the rear, in a parking lot, separate structure or podium style with parking hidden behind/below building. Provide outdoor balconies or patios for 100 percent of the units at a minimum of six (6) feet deep and sixty (60) square feet each. Provide indoor bike storage or bike lockers. In any garage or carport area 220 volt outlets shall be required for a minimum of one per every ten units. More such outlets for vehicle charging are encouraged.



3. **Mixed Use** – Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed fronting on 500 West or 500 South unless such parking is wrapped with commercial uses on the street facing facade. Residential portions of parking structures, including carports, shall include at least one 220-volt outlet for every ten units for personal vehicle charging. More such outlets for vehicle charging are encouraged. This building type may support office, retail, hotel/hospitality, or residential uses mixed either vertically or horizontally. For residential units, provide outdoor balconies or patios for 100 percent of the residential units at a minimum of 6 feet deep and 60 square feet each. Provide indoor bike storage or bike lockers.



- D. Windows – first floor street/courtyard facing windows in mixed use buildings shall cover a minimum of 50 percent of the front first story face and for all other building types, windows shall cover at least 25 percent of all facades, **including windows in doors.** ~~Doors with windows count towards required windows.~~
- E. Balconies – for the residential portions of buildings, one balcony shall be constructed with a minimum of sixty (60) square feet per unit for at least 50 percent of the units. Terraces of similar

size shall also be permitted as well as ground level porches/patios **and count toward the 50% requirement.**

- F. Entrances – shall be recessed or covered to provide shelter from inclement weather. Porte cochere are also permitted.
- G. Parking garages – if a parking garage is incorporated into a building that is located more than fifty (50) feet from a public street, any portions above ground shall be designed to complement the building in a manner that the parking garage is not readily discernable as such or is surrounded with a five (5) foot-wide intensive landscape treatment.
- H. Parking requirements:

Studio apartments – 1 space per unit
 1 bedroom units – 1.5 spaces per unit
 2 or more bedrooms – 2 spaces per unit

All projects shall provide guest parking spaces equal to 1 guest parking space for every 4 units. Any parking calculations that result in less than a whole number shall be rounded up.

A parking study may be considered to further evaluate the above parking space requirements. Such studies shall be paid for by the developer but managed by the City. The conclusions from such parking studies may result in modifications to the above parking requirements, if the studies are locally relevant. The planning commission shall make findings reflecting the study or discounting the study and suggest modifications of the parking standards or simply leave the standards as is. Parking stalls 9' by 18' are required but a parking study could also address compact car spaces in terms of size and as a percent of the overall parking.

Shared parking is encouraged based on a parking study, but only for up to 30% of the parking demand. The development agreement shall include the terms of shared parking for both the existing uses and proposed new HCCO development. The shared parking requirement is for a minimum of 10 years and shall be renewed afterwards.

Bike parking shall be provided for ten percent of all required vehicle parking stalls. Bike parking shall be located in well-lit areas and include bike racks that are permanently secured to the ground.

17.42.070 Signs

See sign ordinance, except all signs shall have downward directed and shielded lighting. Only monument signs and signs on the building are allowed.

17.42.080 Application procedures

- A. General Requirements. An application for the HCCO is considered a rezone and shall use the rezone process as defined in this Code, coupled with a draft development agreement. The application, development agreement template, and its associated requirements is available online and at the City Offices.

- B. Pre-application Conference. The applicant is encouraged to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope or any additional information/reports that may reasonably be expected to be required in connection with any application for an HCCO rezone and a development agreement. The applicant is also encouraged to meet with the building official and the fire marshal to be advised of how building and fire code requirements may affect the proposed development.
- C. After an initial rezone fee for the HCCO application process, fees associated any needed reports or summaries, will be determined and paid by the applicant but the reports shall be managed by City staff. Any unused funds will be refunded to the applicant or transferred to be used as payment toward other respective application fees, at the request of the developer. For all proposed rezones and associated development plans, a complete application is required before authorization to proceed to the Planning Commission.
- D. Visual Presentation. If not provided as part of the proposed project application, the applicant shall provide for the review of the Planning Commission and the City Council a visual presentation, preferably using computer graphics, depicting the buildings to be constructed, siting, for the proposed development within the context of existing, surrounding development.
- E. Planning Commission Review of Initial Rezone Application; Preparation of Proposed Development Agreement:
 - 1. The initial application shall be referred to the Planning Commission for review and comment at a public hearing. The City shall mail notice of the first such public hearing to owners of property within 300 feet of the proposed project.
 - 2. The Planning Commission shall make a recommendation to the City Council of approval, approval with modifications/conditions, or denial. Such recommendations shall include any recommended changes/modifications to the draft development agreement.
 - 3. If approval is recommended, and after the public hearing and combined with comments from the Planning Commission, the planning department, with the assistance of the city attorney, and with the concurrence of the applicant, shall prepare a second draft of a development agreement.
- F. City Council Public Hearing:
 - 1. If the planning department and the applicant cannot concur on the terms and conditions of a proposed development agreement, the applicant may prepare and submit their own proposed development agreement, addressing all the required information and their proposed changes contrary to the Planning Commission recommendation. Upon the submission of such agreement, and the submission of any other related/modified project-specific plans requiring approval of the City Council, the application shall be scheduled and noticed before the City Council. The City shall mail notice of the public hearing to owners of property within 300 feet of the proposed project.
 - 2. City Council Public Hearing: The initial application, additional reports/information, the Planning Commission recommendation, together with the proposed development agreement and the complete submission of all other related, project-specific information requiring approval of the City Council, shall constitute a final application for the potential

rezone. If approved, by the City Council, the rezone application and development agreement shall authorize the applicant to proceed with an administrative site plan process. If a subdivision is required, such as for a condominium project or to define a new lot, an administrative subdivision process will follow the approvals by the City Council.

Definitions to be added to definitions section:

Townhouse – means a 1 to 3 story building having 3 to 8 attached dwelling units that may be arranged in groups of such buildings.

Multi-family – “Multiple-family dwelling” means a building arranged or designed with more than four dwelling units.

Mixed Use - General retail, office, and residential uses vertically integrated in the same building that features consistent approaches to lighting, landscaping, signage, building design, and materials use.

MEMORANDUM



TO: Planning Commission

DATE: July 22, 2021

FROM: Cathy Brightwell, Kris Nilsen

RE: Review Fence Regulations

The commission has been considering modifications to the current fencing regulations related to “open fencing” in front yards. The existing fencing code does not make an exception to allow open fencing while most of our neighboring cities do. Open fencing is defined as fencing that is 75% open, such as chain link. Staff has identified many properties in the city with non-compliant front yard fencing, some of which may qualify as open fencing.

Clarification and expansion of Clear View Areas is also under consideration. Additionally, the commission asked that the current fencing regulations located in each zone be moved into its own Chapter – WBMC 17.50, that will apply to all fencing regardless of zone.

Staff provided draft amendments to the current regulations at the July 13, 2021, meeting. Several additional suggestions were made which are included in the current draft.

NEW SECTION:

17.50 Clear View Area and Fence Requirements

17.50.010 Purpose.

The following standards will govern the height and location of fences, walls, plant growth, or other obstructions to provide adequate open vision of vehicular and pedestrian traffic.

17.50.020 Clear View Area

A clear view area shall be maintained at the intersection of every street, whether public or private, and at the intersection of every driveway with a public or private street. The clear view provisions are considered life safety standards and shall supersede any conflicting provisions of this title.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, or other screening material, or other obstruction which interferes with the safety of pedestrians or vehicle traffic.

- A. The clear view area for a **street intersection** shall be determined by measuring forty (40) feet from the point of intersection of the back of curb lines, or if there is no curb then edge of asphalt lines, and then connecting the termini of those lines forming a triangle that encompasses a portion of the street right-of-way and the adjoining lot. Within that clear view area, the following shall apply:
1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two feet (2') in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 2. Chain link fences or fences which are seventy five percent (75%) or more open shall not exceed four feet (4') in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 3. Trees may be located or maintained in such area in excess of the height provided they are pruned clear of all branches between the ground and a height of ~~seven~~ eight (8) feet. Tree canopies or other growth shall not block signs or signals.
 4. No sign shall be allowed in the clear view triangle unless it is specifically permitted by this title, and it is determined by the City Engineer that it is not a safety hazard. (height?)
 5. No obstruction of any sort shall be allowed which interferes with the safety of pedestrians or traffic unless it is specifically permitted by this title, and it is determined by the City Engineer that it is not a safety hazard.

6. No vehicle parking.

B. The clear view area for the **intersection of a driveway and a street** shall be determined by first establishing the point of intersection of the driveway edge and the back of curb lines, or if there is no curb then edge of asphalt lines, then measuring ~~fifteen-ten~~ (15)10 feet along the of the back of curb lines, or if there is no curb then edge of asphalt, away from the driveway, and ten (10) feet along the edge of the driveway in toward the property. A line is then drawn from the termini of the two (2) lines, forming a triangle. The curb line measurement may be reduced to six (6) feet where existing conditions will not permit ten (10) feet.

1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines, or if there is no curb then edge of asphalt lines.

2. Chain link fences or fences which are seventy five percent (75%) or more open shall not exceed four (4) feet in height above the back of curb lines, or if there is no curb then edge of asphalt lines.

3. Trees may be located or maintained in such area in excess of the height provided they are pruned clear of all branches between the ground and a height of ~~eightseven~~ (87) feet. Tree canopies or other growth shall not block signs or signals.

17.50.030 Front Yard Fences.

Notwithstanding the clear view area regulations listed above, fences installed in a front yard shall comply with all of the following requirements:

A. A fence seventy five percent (75%) or more open is allowed up to six (6) feet in height within the front yard setback. The front yard setback is that area including side yards, between the front yard setback line and the front property line; and

B. A fence which is not seventy five percent (75%) or more open is allowed up to four (4) feet in height within the front yard setback if located more than three (3) feet from any street right of way or sidewalk, whichever is closer to the primary building on the lot.

17.50.040 Rear and Side Yard Fences

A. Rear yard. Fences and walls shall not exceed six (6) feet in height within any rear yard.

- B. Side yard. Fences and walls shall not exceed six (6) feet in height within any side yard beyond the front setback. Such fence, wall, or hedge shall be no closer to the street than the sidewalk or if no sidewalk, the property line.

17.50.050 Additional Height/Exceptions

- A. The planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or ~~interior~~ side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use. *(should we include a max?)*
- B. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
- C. A fence enclosing a recreational facility (whether private or public), such as a tennis court, swimming pool, ball diamond, etc., may be allowed up to fourteen (14) feet in height, as long as it is “open style” and not site obscuring, is located at least five (5) feet away from the property line, and is not within the minimum front yard setback area.
- D. A fence abutting the Interstate freeway system may be erected to a height not exceeding ten (10) feet on the property line adjacent to the freeway right-of-way.

17.50.060 Building Permit Required

Construction of fences and retaining walls must meet applicable requirements of Title 15 of this Code. A building permit must be secured for construction of **all** fences over six feet and retaining walls over four feet.

Delete: 17.14.100, 17.16.100, 17.20.100, 17.24.100

EXAMPLE OF CURRENT CODE



975 W/400 N

EXAMPLE OF OPEN FENCING

560 W Pages Ln





592 W 1810 N



700 N 1100 W

EXAMPLES OF FENCES



567 W Pages Ln



1100 West

MEMORANDUM



TO: Planning Commission

DATE: July 22, 2021

FROM: Cathy Brightwell, Kris Nilsen

RE: Water-wise Landscape Regulations

Extreme drought conditions continue to plague the state. Utah is the fastest growing state in the nation, and one of the driest. With 100 % of the state experiencing drought, Governor Cox declared a state of emergency due to drought in May and issued an Executive Order on June 8 restricting water use at state facilities. In an effort to manage the limited water supply in 2021, Weber Basin Conservancy District implemented watering restrictions in June, and the West Bountiful city council followed by adopting Resolution 496-21 implementing the same water restrictions for 2021.

The city recognizes water as a valuable resource that should be used wisely and as efficiently as possible and supports conservation efforts to protect water supply inventories for both present and future water needs. With 60% of residential water used outdoors, Weber Basin has asked cities to update landscape ordinances to encourage water efficient landscape regulations.

Attached for review and discussion is a copy of the city's current landscape ordinance and a copy of the Weber Basin Water Efficient Landscape template.

12.28 Landscape Requirements

12.28.010 Purpose

12.28.020 Enforcement Of Landscape Requirements

12.28.030 Landscape Plan

12.28.040 Landscape Plan Materials: Selection

12.28.050 Landscape Plan Materials: Installation

12.28.060 Landscape Plan Materials: Maintenance

12.28.010 Purpose

The landscaping requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and general welfare of the public. These regulations are intended to increase the compatibility of adjacent uses and, in doing so, minimize the harmful impacts of noise, dust, debris, heat, wind and air; lessen the problems of motor vehicle light glare or other artificial light intrusions; reduce the level of carbon dioxide and return pure oxygen to the atmosphere; provide shade and lessen energy consumption; buffer and screen undesirable uses and appearances from adjacent properties; eliminate the blighted appearance of parking lots; and act as a natural drainage system and lessen storm water drainage problems.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

12.28.020 Enforcement Of Landscape Requirements

Wherever the submission and approval of a landscape plan is required by this code, such landscape plan shall be an integral part of any application for a building permit, conditional use permit or subdivision approval. No permit shall be issued without City approval of a landscape plan as required in this chapter. The requirements of this chapter may be modified by the planning commission, on a case-by-case basis, in response to input from the city police department regarding the effects of required landscaping on crime prevention.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

12.28.030 Landscape Plan

- A. The requirements of this chapter shall be considered a minimum, except in those cases where otherwise noted (i.e. specified ranges or specific numbers). The following code sections make reference to landscape plans and requirements: 17.20.090 Agricultural District, 17.28.080(B) Neighborhood Commercial, 17.32.080(B) General Commercial, 17.36.080(B) Light Industrial, 17.40.080(B) General Industrial, 17.52.060(C) Off-street Parking, 17.72.030(E) and (H), Mobile Home Parks, 15.12.040(D) Movement of Buildings and 17.76.030(B), Swimming Pools.
- B. A landscape plan shall be drawn in conformance with the requirements specified in this chapter. Landscape plans are subject to approval by the planning commission.
- C. All landscape plans submitted for approval shall contain the following information:
 1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, bike paths, ground signs, refuse disposal and recycling areas, bicycle parking, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features as determined necessary by the planning commission;
 2. The location, quantity, size and name, both botanical and common names, of all proposed trees, shrubs and ground cover plants;

3. The location, size and common names of all existing plants including trees and other plants in the parkway, and indicating plants to be retained and removed;
4. Water irrigation system, with efficiency controls and design;
5. Summary data indicating:
 - a. The area of the site in acres or square feet;
 - b. The area of landscape improvements in square feet and percent;
 - c. The area of domestic turf grass in square feet and percent;
 - d. The area containing drought-tolerant plant species, in square feet;
6. Landscape Distribution.
 - a. The minimum landscape width for any parcel fronting onto 500 West Street or 500 South Street shall be eight feet and shall extend across the entire frontage, excluding drive approaches;
 - b. A corridor of trees shall be placed along all properties abutting Interstate Highway 15 (I-15). The spacing of the trees shall be determined by the type selected and as specified in this chapter. Clustering of trees shall be allowed, provided the net number of trees equals or exceeds the spacing requirement;
 - c. A corridor of trees shall be placed in drainage swales.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

12.28.040 Landscape Plan Materials: Selection

Plants used in conformance with the provisions of this chapter shall be of good quality, and capable of withstanding the extremes of individual site micro-climates.

Size and density of plants, both at the time of planting and at maturity, are additional criteria which shall be considered by the planning commission when approving the landscape plan. The use of drought-tolerant plants is preferred when appropriate to the site conditions.

A. Tree Species to be Planted. The following list constitutes the recommended species for trees to be planted on land in the park-strip areas, drainage swales or abutting property lines on either side of all streets within the City:

1. Large Trees* as follows: Medium Small

- a. Hackberry, Thornless Honey Locust, Bur Oak, Red Oak, Norway Maple, Red maple, Littleleaf Linden, Crimena Linden, Japanese Zelkova, Ginko, Chinese Pistache

2. Medium Trees as follows:

- a. Golden Raintree, Japanese Pagoda, Flowering Plum, Flowing Pear

3. Small Trees as follows:

- a. Lavelle Hawthorne, English Hawthorne, Washington Hawthorne, Dolgo Crabapple, Dorothea Crabapple, Japanese Flowering Crabapple, Hopo Crabapple, Bechtel's Crabapple, Radiant Crabapple, Snow Drift Crabapple, Rebud Crabapple

* (not allowed in park strip or drainage swales; refer to 12.20.080 for park strip tree requirements)

- B. Spacing. The spacing of street trees will be in accordance with the three species size classes listed above, and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plant systems designed or approved by a landscape architect.
- C. Shrubs, Less Than Four Feet Mature Height. The following list constitutes the recommended species for shrubs to be planted in landscape areas within the City. In most instances, shrubbery will not be allowed in park strips, drainage swales or other locations within the street right-of-way:
1. Japanese red leaf barberry
 2. Crimson pygmy barberry
 3. Arnold dwarf forsythia
 4. Emerald mound Honeysuckle
 5. Snowmound spirea
- D. Ground Cover / Turf Grass. The following list constitutes the recommended species for ground cover and turf grass to be planted on land in the park-strip area, drainage swales or abutting property lines on either side of all streets within the City:
1. Ground ivy
 2. Matrimony vine
 3. Snow-in-summer
 4. Maiden Pink
 5. Myrtle periwinkle
- NOTE: spreading ground cover is not allowed in drainage swale areas.
6. Kentucky bluegrass - common blend

E. Prohibited Materials in Park Strips and Drainage Swales.

1. Rocks and gravel are hazardous to pedestrians and bicyclists, are difficult to walk across, may be kicked into streets or onto walking paths, and clog drainage systems;
2. Asphalt is inconsistent with the City's rural design;
3. Concrete may be installed in park strip areas with concrete sidewalks and concrete curbs and gutters, but are generally discouraged;
4. Thorn-bearing plants are hazardous to pedestrians, bicyclists and animals and are difficult to walk through or past. Roses may be acceptable if approved by the planning commission;
5. Ground cover or shrubs are prohibited from the rural street drainage swale areas. Ground cover less than eighteen (18) inches in height may be installed in the park strip area providing adequate spacing is provided for pedestrian access and as approved by the planning commission.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

12.28.050 Landscape Plan Materials: Installation

All landscaping shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. The installation of all plants required by this chapter may be delayed until the next optimal planting season, as determined by the planning commission.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

12.28.060 Landscape Plan Materials: Maintenance

- A. Responsibility. The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this chapter.
- B. Landscaping Materials. All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plants not in this condition shall be replaced when necessary and shall be kept free of refuse and debris.
- C. Irrigation Systems. Irrigation systems shall be maintained in good operating condition to promote the conservation of water while providing adequate coverage for the plants.
- D. All landscape improvements installed within the City's right-of-way are placed by permission of the City but the City shall not be responsible for the maintenance and upkeep of said improvements.
- E. This requirement shall take effect when building permits are required for the following situations in the affected zone(s):
 - 1. All new construction on vacant parcels;
 - 2. Any substantial modification to an existing site or structure in which the estimated construction cost is greater than fifty thousand dollars (\$50,000) in either a single application or any number of applications within a ten (10) year period;
 - 3. Subdivision approval in an A-I zone with rural street design approval.
- F. The required landscaping percentage shall be strictly followed.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

WATER EFFICIENT LANDSCAPE ORDINANCE TEMPLATE (Weber Basin)

Purpose

The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City.

Definitions

The following definitions shall apply to this ordinance:

Applied Water: The portion of water supplied by the irrigation system to the landscape.

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination or the water supply due to the reverse flow of water from the secondary irrigation system.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Established Landscape: The point at which plants in the landscape have developed significant root growth into the soil.

Establishment Period: the first year after installing the plant in the landscape.

Evapotranspiration (ET): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month or year.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation System Audit: an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation Landscaped Area: All portions of a development site to be improved with plantings and irrigation. Natural open space areas shall not be included in the irrigated landscape area.

Irrigation Efficiency: the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Education Package: A package that is intended to inform and educate water users in the City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City's water rates, billing format for water use and commitment to water conservation may also be included.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Localscapes®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see www.Localscapes.com).

Maximum Applied Water Allowance (MAWA): the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area's reference evapotranspiration, a plant adjustment factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA.

Microclimate: The climate of a very small restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Plant Adjustment Factor: A reference evapotranspiration factor, also referred to as a crop coefficient

which is a value to indicate water needs of various plant types for optimum growth or yield. It is a factor to provide acceptable appearance and function of the plant.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, etc.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

Special Landscape Area: (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass.

Waste of Water: shall include, but not necessarily limited to:

1. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.
2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private commercial and industrial development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Landscape Design Standards

A. Plant Selection.

1. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
2. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
3. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not a mass planting of any type of plant material requiring uniform overhead spray irrigation.

Note: Please see Exhibit A for a list of recommended plants for various landscape situations and conditions (not a comprehensive list).

B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum three (3) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.

D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:

1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
2. Low-growing trees shall be selected for spaces under utility wires;
3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover

(shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and

6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Irrigation Design Standards

- A. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in “smart” mode.
- B. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- C. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- D. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.
- E. Sprinklers shall have matched precipitation rates with each control valve circuit.
- F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- G. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- H. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
- I. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
- J. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation or other environmental conditions not suitable for irrigation.
- K. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.
- L. Meter Installation: Meters shall be specified by the <CITY NAME> for the particular installation and shall report instantaneous flow in gallons per minute (gpm) and totalized flow in gallons via encoded register output. <DEFINE INSTALLATION REQUIREMENTS INCLUDING METER MANUFACTURER AND ENCLOSURE DEPTHS ETC>
- M. AMR Transmitters: Each meter shall be fitted with an AMR transmitter with integral

connector. <DEFINE AMR TRANSMITTER AND INSTALLATION REQUIREMENTS>

Each new development or rehabilitated landscape that uses primary potable water for landscape irrigation must provide a water budget calculation to demonstrate a Maximum Applied Water Allowance (MAWA) for the new landscape or development. For parcels using secondary water, the MAWA is determined by the secondary water provider based on parcel size and is referred to as an allocation.

The Maximum Applied Water Allowance shall be calculated using the following equation:

$$\text{MAWA} = (\text{ETo}) (0.62)(1.15)[(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15 = Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ETo values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City.

Additional details and examples of calculations are found in Appendix A

Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall provide water-efficient landscaping to prospective home buyers, such as the Locascapes design style when the landscape is installed by the homebuilder/developer. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall install water-efficient landscaping, such as the Locascapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- C. New Construction homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
- D. Model homes shall include an informational brochure on water-efficient landscaping or Locascapes. Locascapes brochures can be obtained from the City Planning Department.

- E. When buyers or owners are installing their own landscaping on new home construction, a time frame for landscaping to be completed shall be 18 months from the time of occupancy to complete the front yard and no more than three years to complete the total landscape.

Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 40% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Landscapes in Commercial, Industrial, and Institutional Developments

Commercial, industrial and institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas.

Documentation for Commercial, Industrial, and Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
 - 1. Location of all plant materials, a legend with botanical and common names, and size of

- plant materials;
 - 2. Property lines and street names;
 - 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 - 4. Existing trees and plant materials to be removed or retained;
 - 5. Scale: graphic and written;
 - 6. Date of Design;
 - 7. Designation of a landscape zone, and
 - 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
- 1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 - 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 - 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 - 4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
- 1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 - 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Plan Review, Construction Inspection, and Post-Construction

Monitoring for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
- D. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved

landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.

- E. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Prohibited Watering Practices

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.

Enforcement, Penalty for Violations

The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this Ordinance.

Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured or abated immediately or within times specified by the City. Failure to receive a notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a citation.

Section 16. Effective Date

Appendix A

The Maximum Applied Water Allowance shall be calculated using the equation:

$$MAWA = (ETo) (0.62) (1.15) [(0.8 \times LA) + (0.3 \times SLA)]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are examples only but are real ETo values from Weber Basin's weather station and should be substituted for actual ETo values for your specific city. For actual irrigation scheduling, automatic smart irrigation controllers are required and shall use current reference evapotranspiration data (most of which is part of each controller company's supporting weather network) or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Layton Utah with an irrigated landscape area of 20,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, or recreational areas). To calculate MAWA, the annual reference evapotranspiration value for Layton is 32.8 inches as documented from the Weber Basin weather station data.

$$MAWA = (ETo) (0.62) (1.15) [(0.8 \times LA) + (0.3 \times SLA)]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

1.15= Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF) typical for cool season turf

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA
SLA = Special Landscape Area (square feet)

MAWA = (32.8 inches) (0.62) (1.15) [(0.8 x 20,000 square feet) + (0.3 x 0)] = **374,182 gallons per year**
(or 1.15 AF/yr)

(2) In this next hypothetical example, the landscape project in Ogden Utah has the same ETo value of 32.8 inches and a total landscape area of 15,000 square feet. Within the 15,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

MAWA = (ETo) (0.62) (1.15) [(0.8 x LA) + (0.3 x SLA)]

MAWA = (32.8 inches) (0.62) (1.15) [(0.8 x 15,000 square feet) + (0.3 x 2,000 square feet)]
= 20.34 x [12,000 + 600] gallons per year = **280,696.8 gallons per year** (or .86 AF/year)

July 13, 2021

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

3 **PENDING – NOT APPROVED**

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
5 website, on the West Bountiful City website, and at city hall on July 9, 2021, per state statutory
6 requirement.

7

8 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 13,
9 2021, at West Bountiful City Hall, Davis County, Utah.

10 **Those in Attendance:**

11 **MEMBERS ATTENDING:** Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura
12 Charchenko, Council member Kelly Enquist

13

14 **STAFF ATTENDING:** Kris Nilsen (City Engineer), Cathy Brightwell (Community Development),
15 and Debbie McKean (Secretary). Steve Doxey (City Attorney) joined via Zoom.

16 **VISITORS:** John Janson, Gary Jacketta

17

18 The Planning Commission meeting was called to order at 7:30 pm by Chairman Malan.

19 **1. Prayer by Commissioner Cottle**

20

21 **2. Accept Agenda**

22 Dee Vest moved to approve the agenda as presented. Mike Cottle seconded the motion.
23 Voting was unanimous in favor among all members present.

24

25 **3. Public Hearing for Proposed Changes to WBMC 17.82, Accessory Dwelling Units**

26

27 **Action Taken:**

28 **Corey Sweat moved to open the public hearing at 7:37 pm to hear public comment on**
29 **proposed changes to WBMC 17.82, Accessory Dwelling Units. Mike Cottle seconded the**
30 **motion and voting was unanimous in favor.**

31

32 **Public Comment: None**

33

34 **Action Taken:**

35 **Laura Charchenko moved to close the public hearing at 7:38 pm. Corey Sweat seconded**
36 **the motion and voting was unanimous in favor.**

37

38

39 **4. Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units (ADUs)**
 40

41 Included in the commissioner’s packet was a memorandum from Cathy Brightwell, Kris Nilsen,
 42 Steve Doxey, John Janson, and Jake Young dated July 8, 2021, regarding proposed updates to
 43 Accessory Dwelling Unit regulations with an attached redline and clean copy of the proposed
 44 changes to WGBMC 17.82 as directed at a previous meeting.
 45

46 **Some of these modifications include:**

- 47 • Changing the owner-occupied status exemption from 2 to 3 years
- 48 • Continuing to waive impact fees for ADUs, excluding short term rental regulations
 49 currently.
- 50 • Adding a definition of Primary Dwelling by Mr. Doxey. The idea with a primary dwelling
 51 is that it continues to meet the definition even if the owner lives in the ADU. It is not
 52 dependent on the owner’s place of residence, but rather the character of the dwelling
 53 as the main dwelling that would meet all applicable single family dwelling requirements
 54 even without the ADU. We have plenty of references in this chapter that allow the
 55 owner to live in the ADU, but the ADU does not thereby become the primary dwelling.
 56

57 **Commissioner Comments:**

58
 59 **Laura Charchenko** asked how penalties would be handled as referenced in 17.82.040.M. The
 60 listed reference deals with appeals, not penalties. Staff will correct the reference.
 61

62 **Mike Cottle** commented that he likes the definition of ADU and wants to make sure it is not
 63 expanded to include detached ADUs.
 64

65 **Chairman Malan** asked for clarification on 17.82.040.D regarding cement vs. gravel parking stall
 66 language. Some discussion took place, and it was decided that “gravel” will be added to the list
 67 of acceptable materials used. Staff will change the language to reflect that change. Parking area
 68 must be off the street.
 69

70 **Action Taken:**

71 *Laura Charchenko moved to send a positive recommendation to city council for the*
 72 *proposed changes to WBMC 17.82.040, Accessory Dwelling Units as presented with the*
 73 *change of adding gravel to Section D – Parking, and Section M - Penaltiesfor Penalties.*
 74 *Corey Sweat seconded the motion and voting was unanimous in favor.*
 75

76 **5. Discuss Housing in Certain Commercial Areas Overlay (HCCO), Including the**
 77 **Affordable Housing Proposal.**
 78

79 Commissioner packets included a memorandum from Staff dated July 9, 2021, regarding
 80 Housing in Certain Commercial Areas Overly (HCCO) with draft proposed changes to WBMC
 81 17.42 that includes comments and suggestions made by the commissioners at the last meeting.
 82 Also included in the new draft is a proposal to consider concepts for affordable housing as part

83 of a Development Agreement. While the details have not been worked out, it provides an
84 opportunity for discussion.

85
86 The proposal suggests developers commit to 10% of units with affordable prices or rents based
87 on 80% or less of the Davis County Area Median Income (AMI) and includes a 20 year
88 commitment to continued affordability. Mr. Janson noted that many communities are using this
89 model and further explained the concept and reasoning behind it to keep it within an
90 affordable housing status. He said it is a policy issue, and the commission can decide what to do
91 with it and can change the percentage to a different number if they prefer.

92
93 There was discussion about the concept and Commissioner Sweat stated that we should not
94 dictate pricing as it will interfere with what the free market can do. Mr. Janson noted that this is
95 an attempt to create affordable housing per the state's request. There is a big need for housing
96 for people who cannot afford the increasing market rates, and there is a concern that in the
97 future affordable housing could be a state mandate. Corey said he supports high density
98 housing in commercial areas but does not want it to include a requirement for affordable
99 housing.

100
101 Dee Vest commented that under this proposal, he does not see how a developer can make
102 money so they may not participate. Council member Enquist pointed out that there is
103 subsidized funding and grants available for developers that put in affordable housing units.

104
105 Chairman Malan directed staff to remove the affordable housing paragraph and put it on the
106 back burner for future consideration. All commissioners were in support.

107
108 There was discussion on Site Design Requirements and Building Design Requirements with
109 direction given to staff to add clarification to several sections.

110
111 An updated draft with changes discussed tonight will be brought back on July 27 for review and
112 a public hearing will be scheduled for August 10, 2021.

113
114 **6. Discuss New Clear View Area and Fence Regulations (WBMC 17.50)**

115
116 Commissioner packets included a memorandum dated July 9, 2021, from Cathy Brightwell/Kris
117 Nilsen regarding Fence Regulations, draft code amendments, and pictures of front yard fences
118 in West Bountiful.

119
120 Cathy Brightwell presented a draft proposal based on comments from commissioners at the
121 May 25, 2021, meeting. She noted that they have taken concepts from surrounding cities and
122 blended them into the proposed draft. A new section in code has been created that combines
123 Clear View Area and Fence Regulations and removes it from the individual zones.

124
125 Based on previous discussions and review of front yard fences around the city, staff is
126 proposing that open fences in the front setback be allowed that are at least 75% open.

127 Additionally, the current clear view definition for intersecting streets is clarified and a new
 128 regulation for clear view areas for intersections of driveways and streets. She noted that safety
 129 was the number one factor in drafting this ordinance.

130
 131 After review and discussion, staff was directed to change Section 17.50.020.A.3 and B.3 so that
 132 trees in a clear view area must be pruned clear of branches 8 feet above the ground.

133
 134 In Section 17.50.020.B, the distance for measuring the clear view area of the intersection of a
 135 driveway and street will be changed from 15 feet to 10 feet. A further exception may be
 136 allowed in those situations where a neighbor may have existing landscaping in the corner of the
 137 property nearest driveway.

138
 139 In addition, Chairman Malan would like to consider a height limit on signs in A.4. In Sections
 140 A.3 and B.3 tree clearance should match city regulations which may be 14 ft.

141
 142 Staff will make the changes and bring back a draft.

143
 144
 145

146 **7. Staff Report**

147
 148

Kris Nilsen:

- 149 • Five bids were received for the Design phase for the Public Works and interviews will be
 150 held next Tuesday. Eight proposals for the construction phase were received and those
 151 interviews will be held in two weeks.
- 152 • Construction of the City Well is moving along on schedule.
- 153 • Pickleball courts are complete and shade structures over picnic tables will arrive
 154 sometime in August.
- 155 • Porter Lane is scheduled to be paved Friday/Saturday this week as part of the road
 156 reconstruction project.

157
 158

Cathy Brightwell:

- 159 • We have heard that the Plumbs are selling their west side property to Ivory Homes but
 160 have not heard directly from either one.
- 161 • Met with Weber Basin about our landscaping ordinance. They suggested changes to
 162 promote water-wise landscapes especially in park strips. They would like to offer a 'flip
 163 your strip' program with monetary incentives. Further suggestions for changes will be
 164 presented in efforts to create opportunities for water conservation.
- 165 • Manheim is desiring to expand their area of business, which is legal non-conforming in
 166 West Bountiful. The rear parcel is in West Bountiful, and the rest is in Woods Cross. Part
 167 of the land in West Bountiful is swampy and they want to bring fill in to expand their
 168 existing parking area for cars, but these changes may cancel their legal non-conforming
 169 status. They have also inquired about extending beyond their own property by leasing
 170 land from a neighboring property and/or subdividing so that the far east portion of the

171 property could be sold as residential lots adjacent to Highgate subdivision but this
172 would also negate the legal non-conforming use. Our code allows planning commission
173 to consider requests to expand non-conforming uses so they may be coming in with a
174 request. Mr. Doxey stated that the Commission has the discretion to say yes, no, or
175 require conditions.

- 176 • Cathy asked if paper packets are preferred now that we are meeting in person again.
177 Several commissioners would like to have paper packets provided.

178
179 **8. Commission Training.** Cathy Brightwell provided the ULCT Land Use 101 video
180 training. All Commissioners were in attendance and watched 25 minutes before
181 adjourning due to the late hour. The training will continue at the next meeting.

182
183 **9. Consider Meeting Minutes from May 25, 2021.**

184
185 **Action Taken:**

186 ***Corey Sweat moved to approve of the minutes of the May 25, 2021, meeting as presented.***
187 ***Laura Charchenko seconded the motion and voting was unanimous in favor.***

188
189 **10. Adjourn.**

190
191 **Action Taken:**

192 ***Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting***
193 ***at 10:04 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.***

194
195

196 *The foregoing was approved by the West Bountiful City Planning Commission on July 27, 2021,*
197 *by unanimous vote of all members present.*

198 _____
199 *Cathy Brightwell – City Recorder*
200