

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

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

Chairman
Denis Hopkinson

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

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A MEETING BEGINNING AT 7:30 PM ON TUESDAY, MARCH 13, 2018 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept agenda.
2. Public Hearing for Proposed Subdivision, Bountiful Pastures, at approximately 2000 North 1100 West.
3. Review Permitted and Conditional Uses by Zone.
4. Staff report.
5. Consider approval of minutes from February 27, 2018 meeting.
6. Adjourn.

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

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on March 9, 2018 by Cathy Brightwell, City Recorder.

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

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

Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat

NOTICE OF PUBLIC HEARING

The West Bountiful Planning Commission will hold a Public Hearing on **Tuesday, March 13, 2018 at 7:30 p.m.**, or as soon thereafter as possible, at the City offices, 550 North 800 West.

The purpose of the hearing is to receive public comment regarding the preliminary plat of a 35-Lot Subdivision, at approximately 2000 North 1100 West by Ironwood Development, LLC.

A copy of the proposal may be viewed on the City website: www.wbcity.org. All interested parties are invited to participate. Written comments may be submitted to the City Offices prior to the meeting.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Planning Commission
DATE: March 9, 2018
FROM: Ben White
RE: Bountiful Pasture Subdivision – Public Hearing

Bountiful Pasture, LLC has accepted an offer from Ironwood Development to purchase the 23.68 acre parcel of land north of the DSB canal at approximately 2000 North and running east – west from the D&RG right of way to 1100 West street. The Kinross Subdivision borders the property for most of the north boundary.

The property is within the R-1-22 (half acre zone). The concept plan includes 35 lots that meet the minimum size and frontage requirement for the zone. Due to a dead-end street exceeding the 1000 foot maximum limit, this project is feasible only if the Kinross development moves forward.

The development design is not far enough along for the Planning Commission to consider the Preliminary Plat. Tonight's Public Hearing is an opportunity for the City to receive public input prior to Preliminary Plat consideration.

MEMORANDUM



TO: Planning Commission

DATE: March 9, 2018

FROM: Ben White, Cathy Brightwell

RE: Review of Uses by Zone

Attached for discussion is a proposed list of modifications to West Bountiful's permitted and conditional uses in residential zones. This list is intended to stimulate discussion only. One goal of this effort is to establish minimum criteria for uses that are currently listed as "conditional uses" and move them to "permitted uses". Changes to State Land Use Codes are tightening city's ability to impose restrictions on conditional uses. A second goal is to clarify that certain listed uses are limited to home occupation businesses.

A-1 Agricultural

17.16.010 Purpose

The purpose of providing the agricultural district A-1 is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

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

17.16.020 Permitted Uses

The following are permitted in the agricultural districts A-1:

- A. Agricultural;
- B. Single family dwelling;
- C. Farm Animals/Apiaries pursuant to WBMC 17.16.080;
- D. Home Occupations - pursuant to WBMC 5.28;
- E. Model Home, Temporary Sales/Construction trailers pursuant to WBMC XX-XXX; and
- F. Residential facility for Elderly and persons with a disability pursuant to WBMC 17.84;
- G. Churches – Religious Public Place of Worship
- H. Public/Private Parks
- I. Community Center
- J. Fruit/vegetable stands pursuant to WBMC 5.28
- K. Accessory Structures under 200 sf pursuant to WBMC XX.XXX
- L. Greenhouse/Nursery (Home occ? Public or Private use?).
- M. Educational Services (public/private/charter?)
- N. _____.
- P.O. _____.

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

17.16.030 Conditional Uses

The following uses are conditional in the agricultural district A-1:

- A. Equestrian facilities, commercial stables – Home Occupation;
- B. Public or quasi-public uses – move to above;
- C. Child day care or nursery – Home Occupation (limit # of children?);
- D. Flag lots - move to above;
- E. Natural resource extraction (home occupation ?);
- F. Residential facility for elderly persons move to above;
- G.E. Kennels – Home Occupation;
- H. Residential facility for Elderly Persons (duplicate);
- I.F. Restricted Lots (see definitions, Section 17.04.030); and
- G. Accessory Dwelling Units (ADU).
- H. Golf Course
- I. Bed/Breakfast
- J. Recreational Grounds/Facilities (private, public, nonprofit?)

**West Bountiful City
Planning Commission**

PENDING

FEBRUARY 27, 2018

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and on the West Bountiful City website on February 23, 2018 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 27, 2018 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Alan Malan, Mike Cottle, Laura Charchenko, and Council member Kelly Enquist

MEMBERS EXCUSED: Chairman Denis Hopkinson and Corey Sweat

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

VISITORS: Gary Jacketta, Bryce Carey, Trent Durham

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

1. Accept Agenda

Alan Malan reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among members present.

2. Consider Conditional Use Permit for Blakline Speed Shop at 519 North 500 West to Sell and Repair Used Motorcycles and Cars.

Commissioner packets included a memorandum dated February 27, 2018 from Cathy Brightwell regarding Blakline Speed Shop with the Conditional Use Permit Application and a site plan.

Ms. Brightwell introduced Trent Durham and Bryce Carey, who submitted a Conditional Use Permit application on February 13, 2018 for a business at 519 North 500 West called Blakline Speed Shop. The business will build, sell and repair custom cars and motorcycles. They would like to display a few motorcycles in front of the building and more under the carport to the north

of the building. There will be a showroom in the shop area. Minor repairs will be done there as well. Ms. Brightwell reported that the Fire Inspection, Dealer License and Proof of Insurance was received today.

Trent Durham and Bryce Carey were invited to take the stand to answer questions from the Commissioners. They informed the Commissioners that they do all custom work on motorcycles and vehicles and that there will not be a lot of traffic coming and going.

Commissioners Comments:

Laura Charchenko commented that the prior tenant complained of vehicle traffic cutting through the corner of their parking lot and they should expect to see that happen.

Mike Cottle had no comments.

There was discussion about parking and making sure the vehicles attempting to turn onto 500 West have clear view of oncoming traffic.

ACTION TAKEN:

Laura Charchenko moved to approve the Conditional Use Permit for Blakline Speed Shop at 519 North 500 West with the following findings listed in WBMC 17.60.040: the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and community; will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity or accompanying improvement will not inordinately impact schools, utilities, and streets; and that conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection. The following conditions will be applied: off-street access and parking shall be provided, and no parking space shall allow a vehicle to back out directly into public street; signage will comply with City Code; vehicles on display will be operable and in sellable condition; upon issuance of the permit, Blakline Speed Shop will purchase a West Bountiful City business license; and no vehicles may be parked near the Stop sign so as to block view of oncoming traffic. Mike Cottle seconded the motion and voting was unanimous in favor.

3. Discuss Conceptual Plat for Proposed Subdivision by Bountiful Pastures at Approximately 2000 North 1100 Wet and Set a Public Hearing

Commissioners received a packet including a memorandum from Ben White dated February 23, 2018 regarding the Bountiful Pasture Subdivision along with a site plan for the Development.

Ben White introduced the 23.7-acre subdivision that will consist of 35 full half acre lots. He informed the Commissioners that a Public Hearing is scheduled for the next meeting on March 13, 2018. The Developer will be requesting a delay for the wetland studies because of the

winter weather conditions and would like it due as part of the final plat. Staff has forwarded some comments to the Developer after receiving the draft Preliminary Plat this month.

Mr. White's memorandum pointed out some things to be considered as follows:

- Connections to the Kinross development reduce the northeasterly dead-end street to just under 1000 feet. Without this connection the road would be more than 2000 feet which makes the project feasible only if the Kinross Development moves forward.
- The reverse curve radii in the street abutting lots 3, 4 and 5 have been increased to 200 feet.
- The Kinross developer has agreed in principal to allow the Bountiful Pasture Developer to construct a storm detention basin on their open space parcel.
- A wetland study needs to be prepared. The draft Preliminary Plat had drainage improvements on what has already been identified as wetlands. City code requires the delineation to be provided with the Preliminary Plat but due to the time of year the developer is requesting that a conditional Preliminary Plat approval be granted and that the wetland study be delayed until the Final Plat.
- Staff is aware of one well on the property which will need to be addressed as part of the Development.
- Kinross Development has 6-foot-wide sidewalks with no parking strips along 1100 West. Planning Commission needs to give their recommendations for this development in those regards.

Commissioner Comments:

Alan Malan asked if it was possible that Bountiful Pastures be completed before Kinross. Mr. White responded that it is possible, but all things will need to be in place with Kinross for Bountiful Pastures to proceed.

Laura Charchenko inquired about the temporary turnaround and if funds will be collected to deal with the issue in the future. Mr. White responded affirmatively. Ms. Charchenko asked if there is a chance that the Kinross Subdivision could hold up the development of Bountiful Pastures. Ben White doubted that it would, but it is possible. If it comes to that, they would prepare all the documents necessary to hold Kinross responsible for the part of the development that ties into Bountiful Pastures.

Mike Cottle asked if streets to the north will tie into Kinross Development. Mr. White answered to the affirmative and added that he has informed other land owners in the area of the development, so they can do some preplanning for future development including drainage issues.

4. Review Permitted and Conditional Uses by Zones

Commissioners received copies of suggested changes to review regarding Permitted Use and Conditional Uses in various zones within the City.

Ben White informed the Commissioners that URMMA, the city's risk management insurer, held training last week for city council and brought some of the Land Use weaknesses to the forefront. He gave an example using the recent preliminary plat that was passed by planning commission at the last meeting with two Nay votes even though the developer had met necessary conditions. He explained that once the PUD had been approved, the city is obligated to approve their proposals if they meet the terms of the development agreement, otherwise the city could be sued. He said land use issues can get us into trouble if we don't have everything in place correctly. He stated we need to update our City Code for our protection.

Staff suggests the best place to start is with reviewing the uses that are permitted, conditional and not permitted in each of our zones. Legislative changes have made it nearly impossible to deny a conditional use so it is better to make many of these uses permitted and list specific criteria that needs to be met. Ben gave examples of what could happen in different situations and pointed out some weak areas in our Code.

Mike Cottle asked if the city might be liable if they issue a conditional use permit that has weak points in it. Ben White responded that it is not likely, however, if we are too restrictive it may cause us some liability.

Staff would like to add model homes/sales trailer language to the Code. Currently there is no language in those regards.

Alan Malan asked when the URMMA training can be given to the Commission. Cathy Brightwell stated that the intent is to set it up soon but should wait until a new Commissioner is appointed.

Staff mentioned that we need to educate the public in regard to property owner rights and when their voice can be heard. We receive complaints from residents who do not understand property rights. They think you can deny things like track homes or subdivisions that bring in more traffic than they want but you cannot. We need the public to understand that property owners have rights if they meet City Code regulations.

Commissioners were invited to review the material they received tonight and give Staff their recommendations. Ben White pointed out that it may take several months to work through all the details, but some things can be put in place that need attention now to protect us as a City.

5. Staff Report

Ben White:

- UDOT is looking to improve safety on 500 West between 500 South and 400 North due to a high number of accidents. Please forward suggestions to him. He gave some examples that may be able to help some.
- Destination Homes filed a Notice of Intent to Annex a piece of its west side property into the city.

Cathy Brightwell:

- Cathy reported that she updates the city website weekly of all development activities by Destination Homes and suggested the public be referred to this resource when they have questions.
- We are close to getting an Alternate Commissioner; possibly be appointed at next Council Meeting. If so, we will plan to do Planning Commission pictures at the next meeting if everyone is available.
- An updated City contact list is included in their packets but is for their personal use only.

6. Consider Approval of Minutes from February 13, 2018.

ACTION TAKEN:

Mike Cottle moved to approve of the minutes of the February 13, 2018 meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

7. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:11 pm. Mike Cottle seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on March 13, 2018 by unanimous vote of all members present.

Cathy Brightwell – City Recorder