

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
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Chairman
Denis Hopkinson

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

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

Prayer/Thought by Invitation

1. Accept agenda.
2. Consider Conditional Use Application from Kyle Paget at 600 W 1000 North for a Detached Garage that is More Than Twenty Feet Tall.
3. Consider Final Plat Approval for Kinross Estates at the corner of 1100 West and Porter Lane.
4. Discuss Moratorium on Subdivisions and Secondary Water.
5. Review Permitted and Conditional Uses by Zone.
 - a. Kennels
 - b. Model Homes
 - c. Equestrian/Boarding Facilities
6. Staff report.
7. Consider approval of minutes from March 13, 2018 meeting.
8. 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 23, 2018 by Cathy Brightwell, City Recorder.



MEMORANDUM

TO: Planning Commission
DATE: March 20, 2018
FROM: Ben White
RE: Paget-Accessory Building Conditional Use Permit
600 W 1000 North

Section 17.24.060.A requires a Conditional Use Permit for an accessory structure in the R-1-22 zone if it is more than one story, more than twenty feet tall or taller than the principal building (Code language is attached). A possible reason this height restriction has been drafted in the code is to minimize the detrimental impacts tall accessory structures may have on neighboring properties. In considering approval of the conditional use permit, the Planning Commission should make affirmative findings pursuant to Chapter 17.60 Conditional Uses. If there are detrimental impacts due to the added height of the proposed structure, the Planning Commission should propose conditions that would mitigate the negative impacts.

Kyle Paget would like to construct a 30'x40' detached garage on their property. The garage includes a second level built into the 10:12 roof trusses. The proposed overall height is 23'7".

The Planning Commission has heard similar applications in recent years. Size of property; proximity to other main structures; other accessory structures in the neighborhood; and surrounding land use are some of the criteria used to evaluate requests. Some site-specific issues to consider include:

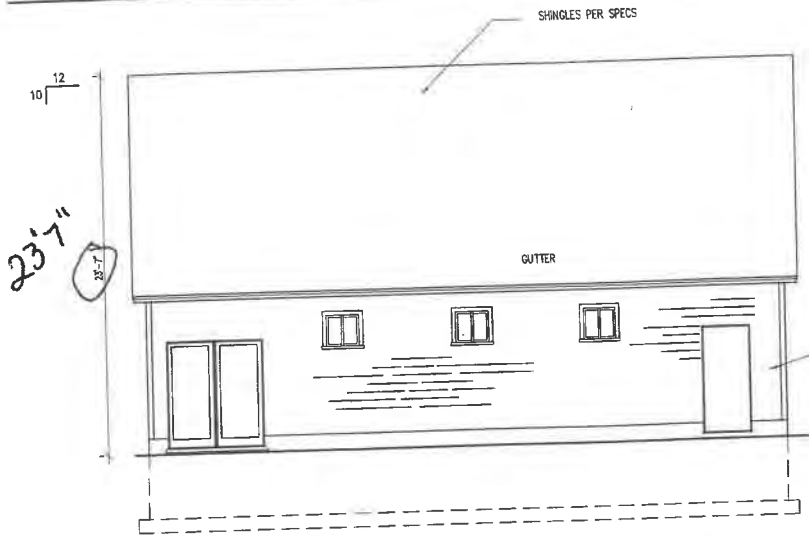
- A. There are accessory building on both properties just north of the Paget's.
- B. The Paget's house and the surrounding houses are about 23'-7" tall themselves.
- C. The surrounding properties are approximately ¼ acre; thus the accessory structure will be closer to other main structures than other applications the Planning Commission has recently considered.
- D. Second story windows
- E. Height (and ability for second story) is possible due to steep roof pitch which is also similar to the house roof pitch.
- F. City staff has received complaints regarding other "tall" accessory buildings. The complaints have included second story (and higher) lighting.

As stated in Section 17.60.040(D), a motion needs to consider the following:

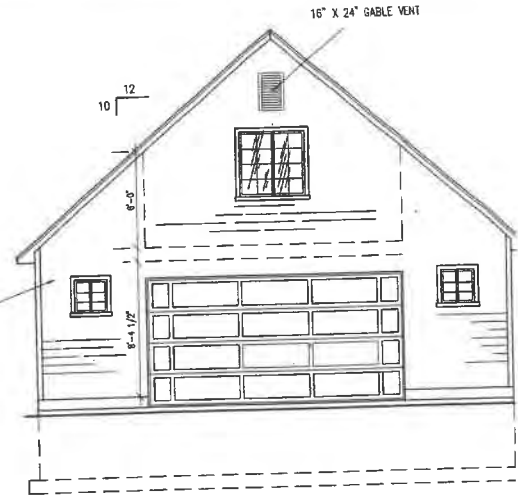
- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
- 2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. The 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.

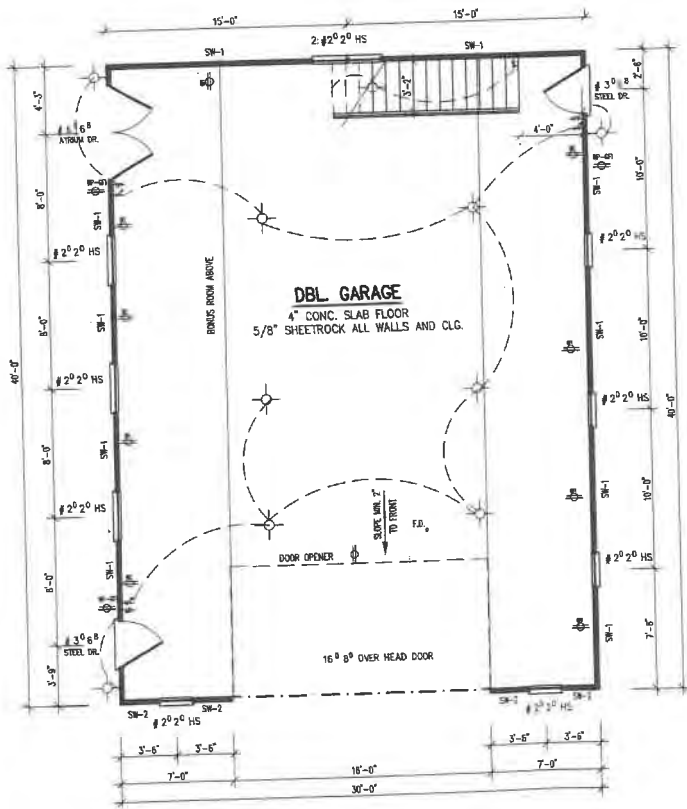




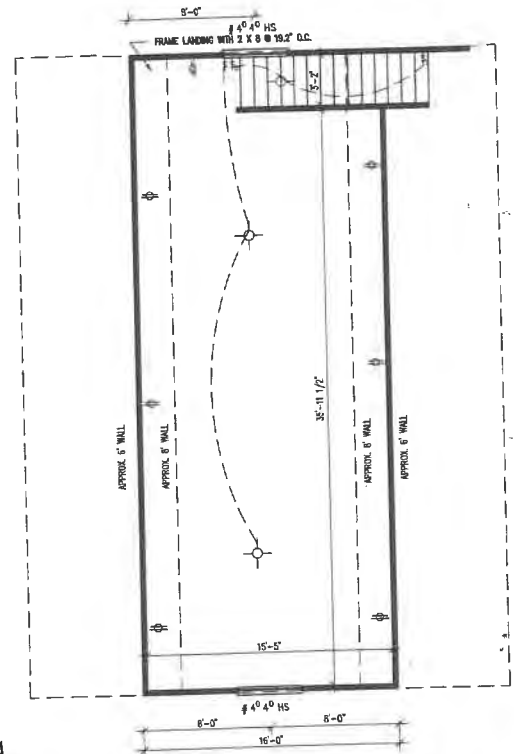
LEFT SIDE VIEW
SCALE 1/8" = 1'-0"



FRONT ELEV. VIEW
SCALE 1/4" = 1'-0"



MAIN PLAN
1200 SQ. FT.
SCALE 1/4" = 1'-0"



MEMORANDUM



TO: Planning Commission

DATE: March 23, 2018

FROM: Ben White

RE: Kinross Estates PUD Final Plat Consideration

The City Council approved the PUD application for Kinross Estates along with the accompanying Development Agreement in its January 16th meeting, as recommended by the Planning Commission. The approved Development Agreement, together with Title 16 and 17, become the subdivision and zoning codes as the City now reviews that subdivision plat. The three largest deviations included in the Development Agreement are:

1. Varying lot sizes with some of the lots smaller than 0.5 acres;
2. A dead-end street that exceeds the city standard; and
3. Deed restrictions on certain lots until environmental issues are resolved.

The City Council is considering an amendment to the development agreement on during the March 26th meeting. The agreement includes:

1. Clarifications to house design standards
2. Addresses model home construction criteria
3. Waive a road cut moratorium on 1100 West which would allow Hamlet to bring secondary water infrastructure to the site.
4. Include a new drainage plan. The new plan routes the storm drain piping around lots in the street to the detention basin instead of between lots.

Final Plat Consideration

Other notable items in the development include:

1. 2.49 acre open space parcel which will provide storm detention and allow agricultural uses.
2. Right of way widths and street cross sections which meet the city minimum standards. This includes the construction of curb and sidewalk along 1100 West and Porter Lane frontage. No park strip will be constructed on Porter Lane and 1100 West where no homes are proposed.
3. A temporary turnaround is proposed on the south street stub. There is a provision in the Development Agreement for the Developer to contribute \$10,000 for the future removal of the

temporary turn around the construction of a standard road cross section. The turn around on the east side of the project is intended to remain permanently.

4. Building permits are restricted on Lots 7, 8, 9, and 10 until Utah DEQ declares the environmental clean up complete.
5. Proposed street lighting is consistent with the Development Agreement which includes lighting throughout the development including street corners.
6. Culinary water and secondary water utility designs appear to be consistent with general design guidelines. A new off-site secondary water line will extend from Pages Lane along 1100 West to the Kinross development.
7. Sanitary sewer design appears to be consistent with standard design practices. An existing sewer lift station near the 1100 West Porter Lane corner will require the relocation of control panels and electrical service to accommodate the construction of curb and sidewalk.
8. An old well has been identified on the site and will need to be abandoned.
9. A current preliminary title report is available for review at city hall.
10. The following documents are attachments to the Development Agreement and are available at city hall for review:
 - a. Geotechnical Study
 - b. Wetland Delineation
 - c. Environmental Reports regarding the impacted soils
 - d. Project CCRs

Staff is recommending approval of the Kinross Subdivision final plat with the following items to be complete prior to or in association with the plat recordation.

- A. Record the CCRs together with the plat;
- B. Record the Open Space Maintenance agreement together with the plat;
- C. Payment of storm water impact fee and inspection fees;
- D. Post the appropriate improvement bonds;
- E. Deed water rights to city or payment in-kind;
- F. Approval of off-site irrigation design by Weber Basin;
- G. Minor clarifications on engineering drawings.

KINROSS ESTATES

PARCEL NUMBER 06-011-0147 AND 06-011-0105
LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF
SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH



PLAT NOTES

- ALL EASEMENTS ARE 10' FOR SIDE, FRONT AND REAR YARDS, UNLESS OTHERWISE NOTED.
- APPROVAL OF THIS DEVELOPMENT PLAT DOES NOT CONSTITUTE ANY REPRESENTATION AS TO THE ADEQUACY OF THE SUB-SURFACE SOIL NOR THE LOCATION OR DEPTH OF GROUND WATER TABLES. CONSULT THE GEO-TECHNICAL STUDY FOR THIS PROJECT FOR ADDITIONAL INFORMATION.
- P.U.E. DENOTES A PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT.
- INDIVIDUAL PROPERTY OWNERS ARE RESPONSIBLE FOR SURFACE DRAINAGE FROM THE PROPERTY. THE CITY IS NOT RESPONSIBLE FOR DRAINAGE FROM PRIVATE PROPERTY. REAR AND SIDE YARD DRAIN MAINTENANCE IS THE RESPONSIBLE OF THE PROPERTY OWNER.
- ALL FINISH FLOOR ELEVATIONS ON BUILDINGS CONSTRUCTED SHALL BE AT LEAST 12" ABOVE THE HIGHEST ADJACENT CURB ELEVATION EXCEPT WHERE OTHERWISE APPROVED BY THE CITY ENGINEER AND CITY COUNCIL.
- EASEMENT AGREEMENT IN FAVOR OF CHEVRON PIPE LINE COMPANY RECORDED MARCH 30, 1990 AS ENTRY NO. 886848 IN BOOK 1343 AT PAGE 975 OF OFFICIAL RECORDS. REVISED EASEMENT AGREEMENT IN FAVOR OF CHEVRON PIPE LINE COMPANY, RECORDED FEBRUARY 20, 1992 AS ENTRY NO. 9959289 IN BOOK 1472 AT PAGE 61 OF OFFICIAL RECORDS. ALSO A 20 FOOT ACCESS EASEMENT IN FAVOR OF CHEVRON PIPE LINE COMPANY, RECORDED FEBRUARY 20, 1992 AS ENTRY NO. 959288 IN BOOK 1472 AT PAGE 59 OF OFFICIAL RECORDS.
- RIGHT-OF-WAY AND EASEMENT GRANT IN FAVOR OF QUESTAR PIPELINE COMPANY, RECORDED OCTOBER 16, 1990 AS ENTRY NO. 905157 IN BOOK 1376 AT PAGE 99 OF OFFICIAL RECORDS.
- RIGHT OF WAY AND EASEMENT IN FAVOR OF UTAH POWER & LIGHT COMPANY, RECORDED JULY 19, 1949 AS ENTRY NO. 107172 IN BOOK 4 AT PAGE 515 OF OFFICIAL RECORDS. SUPPLEMENTAL EASEMENT TO UTAH POWER & LIGHT COMPANY RECORDED NOVEMBER 8, 1968 AS ENTRY NO. 325967 IN BOOK 402 AT PAGE 675 OF OFFICIAL RECORDS ALSO AN EASEMENT IN FAVOR OF UTAH POWER & LIGHT COMPANY, RECORDED JANUARY 14, 1977 AS ENTRY NO. 451969 IN BOOK 632 AT PAGE 523 OF OFFICIAL RECORDS.
- LOT GRADING FOR LOT 31 AND 32 MUST ALLOW STORM WATER OVERFLOW TO FLOW UN-DETAINED TO THE WEST LOT LINE.
- BUILDING PERMITS WILL NOT BE ISSUED FOR LOTS 8,9,10 AND 11 UNTIL UTAH D.E.Q. HAS ISSUED A LETTER CERTIFYING THAT THE PROPERTY MEETS MINIMUM RESIDENTIAL ENVIRONMENTAL STANDARDS.
- PROPERTY OWNER OF LOT 10 WILL BE RESPONSIBLE FOR LANDSCAPE REPAIR COSTS WHEN THE TEMPORARY TURNAROUND IS REMOVED AND A THROUGH STREET IS CONSTRUCTED.

KINROSS ESTATES
PARCEL NUMBER 06-011-0147 AND 06-011-0105
LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF
SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH

SHEET 2 OF 2

RECORDED #

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST

OF: DATE: TIME: BOOK: PAGE:

FEE DAVIS COUNTY RECORDER

DATE	REVISIONS	BY



3980 S. 700 E., #22 Salt Lake City, UT 84107
(801) 305-4670 www.edmlc.net

MEMORANDUM



TO: Planning Commission

DATE: March 23, 2018

FROM: Ben White

RE: **Moratorium – Subdivisions and Secondary Water**

The City Council recently imposed a six-month moratorium on new subdivision applications while the City reviews the requirements for new developments to provide secondary water for irrigation. City staff has worked under the assertion that all new developments are required to provide secondary water. There are numerous Code references to support this assertion. But a close reading suggests that the requirement be defined with more specific language.

Where this is a subdivision requirement, staff suggests inserting language in 16.20.020 Public Improvements which reads something like:

Secondary water for the purpose of irrigation shall be made available to each lot in all residential subdivisions. The City Council may require nonresidential subdivision to provide secondary water. Construction of secondary water facilities shall be subject to the approval of the appropriate pressure irrigation district including the size of service connections. Valves shall be located sufficient for adequate control of service areas. The subdivider will be required, at its own expense, to construct all required off site facilities to connect to existing secondary water district facilities. The applicable fees shall be paid to the secondary water district prior to their approval of the final plat.

MEMORANDUM



TO: Planning Commission

DATE: March 27, 2018

FROM: Ben White, Cathy Brightwell

RE: Review of Uses by Zone

At the March 13 planning commission meeting, we discussed modifications to West Bountiful's permitted and conditional uses in residential zones. 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" as 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.

Staff has provided proposed definitions/criteria for several items that can be included in the Home Occupation Section of Code. This is a preliminary list but includes items staff believes are important to clarify as soon as possible.

Residential Uses (A-1, R-1-22, R-1-10)

PERMITTED: (Current)

Agricultural
Single Family Dwelling
Farm Animals
Home Occupations
Residential facility for persons w disability

Proposed:

Ok
Ok
Add Apiaries – add cite
Add cite
Ok
Model home/Sales/Construction trailer – Need to define
Church/Place of worship – need to define
Fruit/Vegetable stands – Home occ

Conditional: (Current)

Equestrian facilities, commercial stables
Public or quasi-public uses
Child day care or nursery
Flag lots
Residential facility for Elderly Persons
Kennels
Restricted Lots
Accessory Dwelling Units (ADU)

Proposed:

Home Occ – MOVE above with requirements?
MOVE above with requirements
Home Occ – MOVE above with requirements?
MOVE with Cite
MOVE above with requirements
Home Occ – MOVE with requirements?
LEAVE - add Definition
MOVE above with requirements?

NEW:

Model Homes

Greenhouse/Nursery - Home Occ, wholesale, private?? Need to define
Recreational Grounds/Facilities/Parks (Public/Private/Nonprofit)
Schools – Public/Private/Charter/Home Occ?
Bed/Breakfast/Short Term Rental? – Home Occ – need to define

Highlight - URGENT

Commercial Equestrian and Boarding Facilities

Commercial Equestrian and Boarding Facilities are permitted in the identified zones when the following criteria are met.

1. The allowable animal point calculation will only include the property used for equestrian facilities. Houses, driveways, parking, yards and other landscaping will be omitted from the calculation.
2. Locations of structures, corals and other facilities must conform to the applicable zoning district requirements.
3. Animal waste storage must be accomplished under a covered roof or inside an enclosed container.
4. Storm water runoff quality cannot be degraded below no equestrian property standards.
5. Fugitive dust may not leave the property.
6. Lighting must be similar to, and compatible with, other properties and uses in the zone.

Kennels

Business license applications for home occupation kennels may be accepted as a Conditional Use in the A-1 zone provided that the following criteria are met. Boarding kennels shall be exempt from the limitation on the use of space in and outside of the main dwelling.

1. The kennel is operated as a home occupation business which requires the kennel business to be incidental to the residential use of the property
2. The property contains a minimum of one acre
3. The kennel is located on the property owner's primary residence
4. There are no employees who do not live at the residence
5. Must comply with Davis County Health Department and Davis County Animal Control regulations
6. The kennel is located a minimum of 100 feet from a neighboring dwelling
7. The kennel is located a minimum of ten feet from a rear or side property line
8. An outdoor kennel area is fenced with a six foot solid fence, such as vinyl or chain link with slats, which is adequately secured at the bottom with a concrete mow strip to prevent animals from exiting under the fence.
9. Dog 15 points/cats 10 points
10. The maximum combined number of dogs and cats is twenty (20) including the owner's dogs and cats.
11. Obedience or similar classes, and sell pets are not allowed
12. All animals are to be kept indoors between 9:00 pm and 7:00 am. Enclosures to have electricity and a heating source.
13. All animals kept or groomed for longer than 12 hours in one week shall have current rabies vaccination.
14. On a main road
- 15.

Model Homes

Model homes are allowed in all residential loads provided the following criteria are met.

1. Street in front of the model home must be a paved hard surface
2. Provide concrete or asphalt off street parking capable of accommodating two (2) vehicles.
3. Hours of operation are limited to between 9:00 a.m. and 8:30 p.m.
4. Model home use is limited to on-site sales and construction only
5. Allowable signage is per applicable sign ordinance
6. Low level lighting compatible with residential uses only
7. Failure to comply with requirements will result in suspension of new building permits and inspections until reasonable assurance of future compliance is achieved.

6.12 Dogs

6.12.010 License Required

6.12.020 Annual Fee

6.12.030 License Renewal

6.12.040 License Exemptions

6.12.050 Tag And Collar

6.12.060 Removal Of Tag

6.12.070 Kennel License

6.12.080 Number Of Dogs Per Residence

6.12.090 Regulatory Permits

6.12.100 Display Of Permit

6.12.110 Renewal Of Permit

6.12.120 Exemptions

6.12.130 Inspections

6.12.140 Suspension Or Revocation Of Permit

6.12.150 Notice Served

6.12.010 License Required

It is unlawful for any person to own, keep, harbor or maintain a dog over the age of four months of age, without registering and obtaining a license for such dogs from the animal control department or another authorized vendor. All dogs brought into the city shall be registered and licensed within thirty (30) days after they enter the city, or within thirty (30) days after having reached the age of four months.

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

6.12.020 Annual Fee

The annual fee for all dog licenses shall be set periodically by resolution of the board of county commissioners of Davis County.

For any dog not registered within thirty (30) days after having been brought into the city, or within thirty (30) days of being four months old, the owner thereof will be required to pay an additional license late fee, the amount of which shall be set periodically by resolution of the board of county commissioners of Davis County. No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

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

6.12.030 License Renewal

Dog licenses shall be renewed each year, with each license being valid from the date of purchase for twelve (12) consecutive months. The license expiration date shall be one year from the date of purchase. Licenses not renewed within thirty (30) days of expiration shall be subject to the applicable late fee.

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

6.12.040 License Exemptions

The provisions of this chapter shall not apply to the following (except that all dogs shall have a current rabies vaccination every two years):

- A. Licensed dogs whose owners are nonresidents, temporarily (up to thirty (30) days) of the city; provided, however, that licensed dogs whose owners remain within the city longer than thirty (30)

- days may transfer the current license from another jurisdiction to a license issued by Davis County upon payment of a transfer fee and proof of current rabies vaccination;
- B. Individual dogs within a properly licensed kennel or other such establishment;
 - C. A person sixty (60) years of age or older may, upon proof of age, obtain a dog license for an unsterilized dog at a reduced rate as set periodically by the county commission. A person sixty (60) years of age or older may obtain a dog license for a spay or neutered dog for a one-time fee as established by the county commission;
 - D. "Seeing-eye" dogs properly trained to assist blind persons if such dogs are actually being used by the blind persons to assist them in moving from place to place; or "seeing-eye" dogs registered in a recognized training program;
 - E. "Hearing" dogs properly trained to assist deaf persons, if such dogs are actually used by deaf persons to aid them in responding to sounds;
 - F. Dogs especially trained to assist officials of governmental agencies in the performance of their duties, and which are owned or maintained by such agencies.

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

6.12.050 Tag And Collar

Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are worn constantly. In the event a dog tag is lost or destroyed, a duplicate will be issued by the animal control department upon presentation of a receipt showing payment of the license fee for the current year, and upon payment of a duplicate tag fee as set periodically by the board of county commissioners of Davis County. The license shall not be transferable from one dog to another and no refund shall be made on any dog license for any reason whatsoever.

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

6.12.060 Removal Of Tag

It is unlawful to deprive a registered dog of its collar and/or its tag.

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

6.12.070 Kennel License

It is unlawful for any person to operate or maintain a kennel, as defined in this title, without first obtaining a kennel license from the animal control department, which license shall be in addition to all other required zoning and health inspections and permits as required by city and state law. Animal owners making application for a kennel license shall first seek approval from the city zoning department, and an inspection approval from the Davis County health department. Upon notification from the health department that the kennel facility has been inspected and approved, animal control department personnel will perform an additional and final inspection, and upon approval, issue a kennel license. Kennel licenses shall also be valid for one year from the date of purchase. No kennel license shall be issued to any residence within any neighborhood with zoning regulations that prohibit the same.

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

6.12.080 Number Of Dogs Per Residence

No person or persons at any one residence within the city shall at any one time own, harbor, license or maintain more than two dogs in any combination, except as otherwise provided in this section.

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

6.12.090 Regulatory Permits

It is unlawful for any person to operate a boarding kennel, cattery, pet shop, groomery, riding stable, or any similar establishment, unless such person first obtains a regulatory permit from the animal control department, which permit shall be in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted together with the required permit fee on a printed form provided by the animal control department. Before the permit is issued, approval shall be granted by the Davis County health department, the city zoning commission and the animal control department. Establishments in existence prior to the ratification of the ordinance codified in this title shall obtain this regulatory permit within ninety (90) days of written notification of the regulatory inspector that such a permit is necessary.

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

6.12.100 Display Of Permit

A valid regulatory permit shall be posted in a conspicuous place in each establishment for which such permits are required. The permit shall be considered an appurtenant to the premises, and not transferable to another location. The permittee shall notify the animal control department within thirty (30) days of any change of its establishment or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the animal control department immediately. Permits shall not be transferable from one owner to another.

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

6.12.110 Renewal Of Permit

Any regulatory permit issued pursuant to this chapter shall automatically expire one year following the date of issue. Within two months prior to the date of expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made later than thirty (30) days after the expiration date, except in application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

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

6.12.120 Exemptions

Research facilities where bona fide medical or related research is being conducted, humane shelters and other animal establishments operated by state or local governments or which are licensed by federal law are excluded from the licensing requirements of this title.

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

6.12.130 Inspections

All establishments required to obtain a permit under this title shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the animal control department.

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

6.12.140 Suspension Or Revocation Of Permit

- A. Grounds. A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

1. Falsification of facts in a permit application;
2. Violation of any of the provisions of this title or any other regulation governing the establishment, including noise, building and zoning ordinances, or maintaining or selling illegal species; or
3. Conviction of a charge of cruelty to animals.

B. Notification. If an inspection of any facility operating with a regulatory permit reveals a violation of this title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form, or other written notice. The notification shall:

1. Set forth the specific violation found;
2. Establish a specific and reasonable period of time for the correction of the violation(s) found;
3. State that any failure to comply with any notice issued in accordance with the provisions of this title shall result in immediate suspension of the permit; and
4. State that an opportunity for an appeal from any notice of inspection finding shall be provided if a written request for hearing is filed with the division of animal control within five days of the date of notice.

C. Procedures. The following procedures apply:

1. Upon request of a hearing, a minimum of five days notice shall be given to the permittee advising him or her of the date and time of such hearing and listing the cause or causes for such suspension or revocation.
2. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit. This application shall be accompanied by the required application fee and shall not be issued unless or until all requirements of this title have been met.
3. Any permit granted under this title may be suspended or revoked by the animal control department for violations of this chapter.

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

6.12.150 Notice Served

Notice provided for under this chapter shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge; or, such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of the notice shall be filed with the records of the department of animal control.

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

**West Bountiful City
Planning Commission**

PENDING

March 13, 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 March 9, 2018 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,
March 13, 2018 at West Bountiful City Hall, Davis County, Utah.**

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Corey Sweat, Alan Malan, Mike Cottle, Laura Charchenko, and Dennis Vest (alternate).

MEMBERS EXCUSED: Council member Kelly Enquist

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

VISITORS: Gary Jacketta

The Planning Commission Meeting was called to order at 7:30 pm by Chairman Hopkinson. Dennis Vest offered a prayer.

1. Accept Agenda

Chairman Hopkinson welcomed Dennis Vest as the new alternate member to the Planning Commission. Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among members present.

2. Public Hearing for Proposed Subdivision, Bountiful Pasture, at approximately 2000 North 1100 West

Commissioners received a Memorandum from Ben White dated March 9, 2018 regarding Bountiful Pastures. The memorandum included the following information:

- Bountiful Pasture, LLC has accepted an offer from Ironwood Development to purchase 23.68 acres of land that is located north of the DSB canal at approximately 2000 North and running east and west from the D&RG right of way to 1100 West street.
- This area borders the north side of the new Kinross Subdivision

- Property is in the R-1-22 zone which is ½ acre zone. There will be approximately 35 lots that meet both the minimum size and frontage requirements of the zone.
- The development will only be possible if the Kinross development moved forward due to the 1000 ft maximum limit of a dead-end street.
- Preliminary plat is pending and the hearing tonight is for the public to give input on that plat.

Special Note:

The developer notified staff today that they have decided to cancel their purchase agreement on this property. However, as the public hearing has been formally noticed, it will be held.

ACTION TAKEN:

Corey Sweat moved open the Public Hearing for Proposed Subdivision, Bountiful Pasture, at approximately 2000 North 1100 West at 7:35 pm for public comment. Mike Cottle seconded the motion and voting was unanimous in favor.

PUBLIC COMMENTS:

There was no Public Comment

ACTION TAKEN:

Laura Charchenko moved close the Public Hearing for Proposed Subdivision, Bountiful Pasture, at approximately 2000 North 1100 West at 7:36 pm for public comment. Alan Malan seconded the motion and voting was unanimous in favor.

3. Review Permitted and Conditional Uses by Zone

Commissioners packet included a memorandum from Ben White dated March 9, 2018 reviewing Uses by Zone with attached documents that had suggested changes.

Chairman Hopkinson noted that there are some vulnerable spots in our current code that need to have new language. Ben White introduced the proposal regarding Conditional Uses which he stated are becoming more difficult to deny with recent legislative changes. He said the goal is to move more uses from conditional to permitted by including the requirements and definitions into our zoning code. Mr. White gave examples of some of the areas that need immediate attention. Equestrian, Daycare and Kennels are examples of conditional uses but are not identified as home occupations. Staff is suggesting that these be limited to home occupations and conditions be added into Code. Because these also have commercial uses, he believes it is important to clarify that they are home occupations sooner than later.

Mike Cottle asked if the legislature has stopped cities from using conditional use permits. Ben White stated that they have not stopped them but have put a lot of restrictions on doing so.

84 **Chairman Hopkinson** further explained that there may be mitigated items in each permit. It is
85 important for us to change the language and definitions to be more restrictive in nature.

86 **Corey Sweat** gave an example of the proposed equestrian center that recently asked to include a
87 retail store. He noted how easy it is for the permit holder to violate the conditions placed on the
88 business and asked if there are ways to monitor.

89 Cathy Brightwell informed the Commissioners that there are currently approximately 250 home
90 occupations in West Bountiful. She stated if they meet the requirements of the Home
91 Occupation ordinance they are fine to do business. If a complaint is issued, the City can take
92 away their license to do business. Ben White noted that it is the impact to the neighborhood not
93 the business that needs to be regulated.

94 **Ben White** referred to a document (given to each Commissioner) he prepared to help review
95 each area with some suggestions as to what could be done to change the current language. Some
96 discussion took place regarding those items. At a minimum, he would like to address the more
97 urgent areas like Equestrian facilities, Commercial Stables, Child day care or Nursery, and
98 Kennels moving them from Conditional Uses to Home Occupation permit. He would like to
99 begin with having a Public Hearing in the next 30 days.

100 **Alan Malan** shared his opinion that Kennel and Equestrian facilities should not need a Home
101 Occupation permit to do business.

102 **Mike Cottle** stated the more black and white the language is the better off the City will be.

103 **Dennis Vest** inquired about the Nursery located on Pages Lane. Ben White informed him that
104 they are outside of West Bountiful limits and will be permitted to continue that business on a
105 grandfathered basis if they are ever annexed into the City.

106 **Chairman Hopkinson** emphasized that it is important to tidy up all definitions. He is concerned
107 about the lack of definitions and restrictions for the elderly and rehabilitation facilities. Ben
108 White noted that there is existing language in our code for these, but these types of businesses
109 are protected by federal and state law, although we may want to revisit some of that in the near
110 future.

111 Ben and Cathy invited the Commission to share their ideas and concerns

112 **Mike Cottle** requested a list of Home Occupation businesses, so he can get a better
113 understanding of what our City consists of with Home Occupation businesses.

114 **Dennis Vest** asked why we stopped collecting fees for Home Occupation businesses. Cathy
115 Brightwell explained that the legislature changed the law prohibiting cities from collecting fees
116 from home businesses that do not impact the surrounding neighborhood. Because it could be
117 difficult to differentiate home businesses that do not impact neighborhoods from those that do,
118 like daycares, Council decided to exempt all home businesses from the fee. The Home
119 Occupation fee was only \$20.00/year and they felt it took more staff time to identify, collect and
120 process those funds than it was worth.

Staff will put together some language and definitions for further discussion. Chairman
Hopkinson noted that the City Council will play a part in this procedure as well.

4. Staff report

Ben White:

- Holly had a pipe rupture this morning which resulted in a fire and oil spitting out on surrounding property. This took place about 2:00 am and they are in the process of cleaning it up for residents.
- City Council enacted a temporary moratorium for new subdivision applications due to some weak language in the Code related to secondary water requirements. He informed them that language will come forth quickly for them to review.
- Kinross will probably be coming back to us in the next month for final plat approval. He reminded them that this is the last stop for them as city council has already approved the PUD development agreement. High Gate Estates is hoping to be ready for final plat approval by city council soon.

Cathy Brightwell:

- Will be scheduling URRMA training for an upcoming meeting and she will send Land Use training information out when it is available so they can register if they so desire. .

5. Consider Approval of Minutes from February 27, 2018.

ACTION TAKEN:

*Corey Sweat moved to approve of the minutes of the February 27, 2018 meeting as presented.
Alan Malan seconded the motion and voting was unanimous in favor.*

6. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:13 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on March 27, 2018 by unanimous vote of all members present.

Cathy Brightwell – City Recorder