

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Denis Hopkinson

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

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 14, 2020 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda
2. Swear In re-appointed Commissioners Charchenko, Cottle and Malan.
3. Presentation – Dark Sky Strategies – Ryan Andreasen, Wendy Wilson, Paul Ricketts.
4. Public Hearing – Proposed Changes to WBMC 17.52 - Off-street Parking
5. Conditional Use Request for an Accessory Dwelling Unit at 1043 W 1950 North.
6. Discuss Possible Modifications to WBMC Title 16 and Construction Standards regarding Dead-end Streets and Flag Lots.
7. Consider Request for Zoning Reconsideration of Property at 1390 W 1200 North.
8. Discuss Storage Uses in Residential Zones.
9. Discuss Proposed Code Changes to WBMC 17.52 - Off-street Parking.
10. Commission Report – Woods Cross Annexation Request (Smith Property)
11. Staff report.
 - Plumb-Gardner
 - Legacy Overlay Zone
12. Consider Approval of Minutes from December 10, 2019 Meeting.
13. Adjourn.

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

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on January 10, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

January 14, 2020

***Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on January 13, 2020 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 14, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED:

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

VISITORS: Mayor Ken Romney, Teresa Romney, Gary Jacketta, Ryan Andreasen, Wendy Wilson, Paul Ricketts, Shelby Stock, Bill Goldberg, Jess and Christine Kilpack, Thomas Lufkin.

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

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

2. Swear In re-appointed Commissioners Charchenko, Cottle and Malan.

By Resolution 461-19 the following Commissioners were reappointed by the West Bountiful Mayor and City Council on December 17, 2019 - Laura Charchenko, Mike Cottle and Alan Malan. They were given the oath of office by Cathy Brightwell (city recorder). Their terms will run through December 2023.

3. Presentation-Dark Sky Strategies- Ryan Andreasen, Wendy Wilson and Paul Ricketts

Ryan Andreasen and Wendy Wilson were introduced to present a slide presentation regarding Dark Sky Strategies. Teresa Romney invited this team here to make the presentation. Mr. Andreasen is a member of Night Sky Science and talked about the disappearing night and explained the need to reduce light pollution. It involves reviewing the lights we use, what will be allowed and other such requirements.

Wendy Wilson gave a brief presentation regarding Antelope Island being an International Dark Sky Park. People have a big interest in viewing the night sky. Antelope has held several night events and more than 300 people have attended each one. Syracuse City passed a resolution regarding dark sky considerations. Currently we are at a bronze level with our Dark Sky Park with Gold and Silver being the best quality.

Mr. Andreasen commented that they are not saying to turn off lighting but just direct it where it needs to be. They want to bring awareness to the cities that have control of what fixtures are placed within the city for lighting. He explained the various types of lighting and their effects. Skyglow is the preferred type of lighting. Mr. Andreasen gave a light presentation showing the effect of shielding light and focusing on where it does the most good.

The team left literature on this issue for commissioners to review regarding protecting the night sky.

They invited West Bountiful to participate in a Wasatch Front Community effort to get on board with preventing light pollution. They have an educational program for elementary schools as well.

4. Public Hearing- Proposed Changes to WBMC 17.52- Off-Street Parking.

ACTION TAKEN:

Laura Charchenko moved to open the Public Hearing at 8:03 pm for WBMC 17.52- Off-Street Parking. Alan Malan seconded the motion and voting was unanimous in favor.

PUBLIC COMMENT: No public comment

ACTION TAKEN:

Corey Sweat moved to close the Public Hearing at 8:04 pm for WBMC 17.52- Off-Street Parking. Alan Malan seconded the motion and voting was unanimous in favor.

5. Conditional Use Request for an Accessory Dwelling Unit at 1043 West 1950 North

Included in the Commissioner packets was a memorandum dated January 10, 2020 from Ben White regarding an Accessory Dwelling Unit at 1043 W 1930 North along with the Conditional Use Application and a site plan.

Mr. Wing has been issued a building permit to construct a new house in the Mountain View Estates subdivision. The house is designed in a way that by locking a single interior door, an accessory dwelling unit (ADU) would be created. A conditional use permit would be required prior to using the potential apartment as an ADU. Staff recommended that Mr. Wing obtain the Conditional Use Permit for the ADU now for the simple reason that municipal and building codes change from time to time. It would be unfortunate if future changes to code prohibited the ADU or required structural changes for its approval.

Chairman Hopkinson inquired about the ADU being noted on the recorded deed with the county. Mr. White responded that it will be recorded.

WBMC Chapter 17.82 allows a conditional use for an ADU subject to the development standards specifically listed in Section 17.82.050 and listed below.

- A. **Location.** An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-occupied single-family dwelling. *This condition is satisfied.*
- B. **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. *This condition is satisfied.*
- C. **Parking.** Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers. *This condition is satisfied.*

- D. **Utility Metering.** No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name. *This condition can be satisfied.*
- E. **Size of Accessory Dwelling Unit.** An ADU shall contain a minimum of 300 square feet; provided, that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City. *This condition is satisfied.*
- F. **Construction Codes.** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit or other permits as the codes may require. *This condition will be satisfied as the house is constructed and inspected.*
- G. **Architecture.** An ADU that is added onto 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 scattered placement of garage doors, carports, or number or location of outside entries or porches. *This condition is satisfied.*
- H. **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 their principal residence. At no time shall both the ADU and the primary single-family dwelling be rented as separate units. *This condition can be satisfied.*

Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title.

ACTION TAKEN:

Corey Sweat moved to approve the Accessory Dwelling Unit at 1043 W 1950 North for Arlo Wing with the following findings and conditions: 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; 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; and/or accompanying improvements will not inordinately impact schools, utilities, and streets; and 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. Applicant will construct the addition in such a manner that the Building Code requirements for a second dwelling unit are satisfied. The applicant will execute the Conditional Use permit which will also be recorded in the County Recorder's office. Laura Charchenko seconded the motion and voting was unanimous in favor.

6. Discuss Possible Modification to WBMC Title 16 and Construction Standards regarding Dead-end Streets and Flag Lots.

Commissioner packets included a memorandum dated January 10, 2020 from Ben White regarding possible modifications to WBMC Title 16 Subdivisions and Construction Standards regarding Dead-end Streets and Flag lots and a brief description of what other surrounding cities have in their Code.

Ben White gave a brief history of 1200 North also known as the Sewer Road. He noted that there has not been much change along 1200 North over the years other than Legacy Parkway dividing the road to the west. He explained that the Goldberg and Kilpack families have requested to annex a 5.14-acre parcel located at 1390 W 1200 North into West Bountiful. Prior to the annexation request, Mr. Goldberg

subdivided the property into two parcels. The challenge is that the two parcels do not meet either Davis County zoning requirements or West Bountiful zoning requirements.

The City Council held a public hearing on January 7th which was the last regulatory requirement prior to the City taking formal action on the annexation request. Before the City Council will entertain that request, there are a few land configuration issues to address.

The land configuration issues include:

1. One of the two parcels is a flag lot where the staff exceeds city code requirements. The staff is 425 ft. long and the maximum allowed is 400 ft.
2. The flag lot extends from 1200 North which is a dead-end street. Flag lots are not permitted to extend from dead end streets.

Mr. Goldberg is requesting the Planning Commission reconsider code changes that would allow flag lot staffs to be at least 435 feet long and that flag lots can be created on 1200 North street. He argues that future west development will include an access road onto 1200 North eliminating the dead-end street.

Mr. White asked the Commission if 1200 North could be different from any other dead-end street in the City and should a staff be longer than 400 feet? He shared regulations from other surrounding cities and what they allow for dead-end lengths and flag lot staffs. He asked the Commissioners if there is something that can be considered so the two families can achieve what they need? Mr. White noted that the property owners are present.

Commissioner Comments:

Chairman Hopkinson commented that we have had concerns over this area through the years and they have not wanted to be part of our city. He prefers to look at the whole area and not just the two properties. Mr. Hopkinson pointed out some possibilities for future development in this area. He explained part of the reason for the 400 length was for fire department regulations. Flag lot staffs and cul-de-sacs are very hard to maneuver for fire equipment.

Chairman Hopkinson invited the Commissioners and the Property Owners to share their thoughts and comments:

Dee Vest is quite familiar with the property as he lives across the street. He explained some of the demographics of the area and believes the road will be a dead-end for a while. He is not opposed to making an exception and extending the flag lot staff requirement to 435 feet for this situation.

Mike Cottle asked the property owners to provide their thoughts.

Jess Killpack took the stand and described there will be one house on the property about 60 feet off 1200 North. The dirt road leads back to Mr. Goldberg's property which has buildings that have been there for many years.

Corey Sweat is opposed to spot zoning. He noted that there have been several individuals come requesting special consideration and we have not granted it to them. It's important to be consistent. He added he is not inclined to change zoning to CN in the future.

Laura Charchenko is not inclined to go against the standards for fire protection. She stressed that we cannot give allowances for what will happen in the future but rather what is before us today.

Alan Malan asked for clarification of what the future dynamics of this area will be regarding roads. He is not in favor of going against the 400-foot standard.

Ben White explained that the two properties could be configured to comply with code and zoning regulations, but the dead-end road issue remains. He explained fire code and some of the provisions that they can make. The non-conforming property can be considered down the road.

Mr. Goldberg took the stand. He asked if he would be denied fire protection for the extra 35 feet. He doubts the fire department will deny services for that length.

The chairman explained that it is not that they would not get the services, but it is a matter that we have a code and need to abide by it. They realize that what they want to do with their property is great, but the city has not allowed others to have exceptions in the past and they do not want to set precedent by making exceptions.

Mr. Kilpack offered another option. He suggested he could access his property from 1200 North and Mr. Goldberg could access his property from 1450 North. Some discussion took place regarding this option. It could be investigated and could be a possibility. The road is not a legal road, it is a cattle road. Ben White said it is established as a right of way for the property owners according to the deeds and Mr. Goldberg has a legal right of way easement. Basically, the flag lot and the dead-end street goes away with this new option.

Councilmember Enquist pointed out that flag lots will probably be the best solution in many cases for that area.

7. Consider Request Zoning Designation for Proposed Annexation at 1390 West 1200 North.

Commissioner packets included a memorandum from Ben White dated January 10, 2020 regarding a request zoning reconsideration of property at 1390 West 1200 North.

The Goldberg and Kilpack families have requested to annex a 5.14-acre parcel located at 1390 West 1200 North into West Bountiful. As part of the annexation process, the Planning Commission previously recommended that the property be given an A-1 zoning designation consistent with the surrounding properties.

The City Council held a public hearing on January 7th which was the last regulatory requirement prior to the City taking formal action on the annexation request. Before the City Council will entertain that request, there are a few land use issues to address.

The land use issues include:

- Outdoor storage of some agricultural equipment, boats, RVs and other vehicles which are owned by the property owner and his friends.
- An existing accessory building used to store personal automobiles and includes car repair facilities which are typically used for personal use.
- The site is used for parking employee vehicles for an electrical contracting business. The employees park here and then leave for their various job sites.

The current property uses do not conform to the A-1 requirements. The current property uses are more in line with the C-N zone. The allowed uses of both zones are included at the end of this memo.

Mr. Goldberg is requesting the Planning Commission reconsider its previous recommendation that the subject property be zoned A-1 and consider recommending a C-N zoning designation. Rational for the request includes:

1. The city is proposing to construct a public works facility immediately adjacent to this property. The public works facility is more in line with uses allowed in a C-N zone than a residential use allowed in the A-1 zone.
2. The existing soil is not conducive to support agricultural activities.

Corey Sweat feels that this item should be tabled until the previous agenda item is addressed. Ben White informed them that the property owner may not want to annex into the city if he cannot use property as he desires. County will only issue a permit for agricultural use.

Chairman Hopkinson stressed that there is no way we would consider a rezone to a C-N zone. Ben White stated that staff is merely fulfilling its responsibility to address the request of the property owner. Mr. Hopkinson wants time to search for possible solutions to fulfill the property owners needs and desires.

Mr. Goldberg asked how tuning up a car is more invasive than running the city's big trucks up and down the road? Mr. Goldberg merely wants to rebuild what was there but creating a safer structure.

Mr. Chairman stated that we need to do more homework before we move forward. This item will be tabled, and Staff will investigate the items that have been discussed in this meeting

8. Discuss Storage Uses in Residential Zones.

The allowed uses in the A-1, R-1-22 and R-1-10 zones include both residential and agricultural uses. Staff interprets this to mean that uses such as personal property storage without a house on the same property is not allowed.

Should the city consider uses beyond residential and agricultural which may be acceptable and appropriate for those zones?

For instance,

- Allowance for outdoor vehicle storage based on property size and proximity.
- Accessory buildings whose uses include...
- Other incidental uses...

Mr. White asked the Commission to consider if there is a possible use other than residential that would allow the property owners to use their property as they need. He asked for the Commission to explore and consider what some of those possibilities may be.

Corey Sweat noted that there is plenty of property in West Bountiful that has personal property stored on it without a home on it.

Chairman Hopkinson asked for the Commissioners to consider language that may be able to accomplish the property owners needs without making a zone change in simple language.

9. Discuss Proposed Changes to WBMC 17.52- Off-Street Parking

Commissioner packets included a memorandum dated January 10, 2020 from Ben White regarding Off Street Parking – WBMC 17.52. Included with this memo is staff's recommended updates to the city's off-street parking ordinance. A few reasons why the update is appropriate include:

1. There are very few parking lots in the city that have parking stalls the size required by this code. The Costco parking lot has 10' wide stalls, but no one else. While a property owner can always build above the minimum, to build below the minimum creates "illegal" circumstances; not "grandfathered". Where 9' wide parking stalls is a current industry standard, it makes more sense to use 9' in our code.
2. The current code does not address the required drive isle width between parking stalls. A proposed minimum width is now included.
3. Conditional Use permits to establish appropriate conditions are difficult if no guidelines exist. Staff is suggesting that when uses are proposed that are not like those currently included in our code, that staff work with the applicant to develop appropriate parking limit requirements.
4. Need to clarify that there are different standards for residential and commercial.

Ben White stated that the public hearing was held tonight, and he desires to now run this through legal counsel for review. He will bring the final draft back for consideration. Dee Vest still feels like we should have a specific standard larger than nine feet for retail and commercial parking stalls.

10. Atwater Estates Subdivision Streetlight Locations

Commissioners received a memorandum in their packet from Ben White dated January 13, 2020 regarding Atwater Estates Subdivision Streetlight locations with an attached diagram of the demolished power poles and the location of the new power poles.

The Planning Commission approval of the Atwater Estates subdivision included four streetlights in the vicinity of the development. Three of the lights were located on existing overhead Rocky Mountain Power poles. The requirement was for one new streetlight to be located on Lot 7 at the Grover Court intersection.

The project also required the relocation of the overhead power lines and the underground Dominion Energy gas line to accommodate a new storm drain and curb and gutter. Instead of excavating and sliding the power poles like staff expected, Rocky Mountain Power demolished the existing poles and installed new poles at different locations without installing lights.

There appears to be numerous options for acceptable street lighting including:

1. Place streetlights in the locations where originally approved.
2. Place one new streetlight on its own pole on the common lot line of Lots 7 and 8. This is also where the mailbox is to be located.
3. Place two streetlights on new power poles spaced as evenly as possible.
4. Other options?

Staff is requesting Planning Commission's direction on how to proceed with the streetlight installations. Some discussion took place regarding the location of street lighting among the Commissioners.

Mr. Atwater pointed out that there may be a conflict with the height of placement at the intersections.

ACTION TAKEN:

Corey Sweat moved to place a streetlight in the Atwater Estates Subdivision between lot 8 and 7 on existing power poles by the mailbox location. Laura Charchenko seconded the motion and a roll call vote was taken.

Roll Call Vote was as follows:

Chairman Hopkinson – Nay

Alan Malan, Laura Charchenko, Corey Sweat, Mike Cottle- Aye

11. Commission Report- Woods Cross Annexation Request (Smith Property).

Corey Sweat did not see any unexpected things from the general plan proposal of Woods Cross except that the high-density housing was too near our city in the far northwest corner on approximately 20 acres. Dee Vest was disappointed that with three representatives from West Bountiful the planning commission did not ask for input. Chairman Hopkinson feels there is a vast gap between property owners and what Woods Cross wants to put in place. They still did not have anything defined from the Kingston's which are the main gatekeepers. He feels it will be awhile before they have a consensus among everyone. The Chairman noted that the letter sent to Woods Cross from our Mayor and Council was sent in their packets to read.

12. Staff Report

Ben White:

Plumb-Gardner: Ben reported that there is not proposal but the owners insist they will move forward this year. It could be soon or 3 to 4 months down the road. The property owner will be the developer and sell lots to individuals.

800 West: Bids went out today and they have already received many interested contractors.

Well: In process of negotiation. Last test result is still out.

Olive Garden: Permit has been approved. Site work is being done at present.

Legacy Overlay Zone: Staff discussed this and thought it may be premature to go forth until the Woods Cross city solidifies what they decide to develop in that area.

Cathy Brightwell:

Dark Sky Presentation: She will scan documents given to them from Dark Sky presentation tonight and send them to the Commission for their review.

13. Consider Approval of Minutes from December 10, 2019 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the December 10, 2019 meeting as corrected. Alan Malan seconded the motion and voting was unanimous in favor.

14. Adjourn:

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 10:30 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on January 14, 2020, by unanimous vote of all members present.


Cathy Brightwell – City Recorder

