

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

THIS MEETING WILL BE HELD ELECTRONICALLY ONLY

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

Prayer/Thought by Invitation

1. Accept Agenda
2. Discuss Uses in the A-1 Zone
3. Discuss Subdivision Timelines
4. Staff report - Duane Huffman, Cathy Brightwell
5. Consider Approval of Minutes from March 24, 2020 Meeting.
6. Adjourn.

* * * * *

JOIN ZOOM MEETING:

MEETING ID: 627 920 427

(Video/Audio) <https://zoom.us/j/627920427>

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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 April 10, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

April 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 April 10, 2020 per state statutory requirement.

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

Those in Attendance:

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

MEMBERS ATTENDING: Chairman Denis Hopkinson (on site), Vice Chairman Alan Malan, Corey Sweat, Laura Charchenko, Mike Cottle, Dee Vest, and Council member Kelly Enquist.

STAFF ATTENDING: Duane Huffman- City Administrator (on site), Cathy Brightwell-Recorder, and Debbie McKean-Secretary

VISITORS: none

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

1. Accept Agenda

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

2. Discuss Uses in A-1 Zone

A memorandum dated April 10, 2020 from Cathy Brightwell regarding Storage Uses in Residential/ Agricultural zones with attached redline copy of Agricultural Zone Code was included in commissioner's packet.

Cathy Brightwell noted that this item has been discussed several times in previous meetings. She explained that the A-1 zone allows both residential and agricultural uses which has become an issue for property owners who use their property for non-agricultural storage and do not have a house on the property.

Steve Doxey reviewed language proposed at the last meeting that adds a new Permitted Use, "**Accessory structures associated with residential uses**" to WBMC 17.16.030. He commented that this proposal allows accessory structures associated with residential uses, but it does not accomplish everything intended since it retains the concept of accessory structures being "on the same lot **with**, and of a nature customarily **incidental and subordinate to, the principal use or building.**"

He interprets this to mean the principal use or building must be on the same lot. Under this definition, you cannot have a stand-alone accessory structure or use if there is no principal use or building (even though there are a number of these in the city). He added that while staff could interpret this liberally to allow an accessory structure in the A-1 zone as long as the lot is being used for agriculture (even without a residence), a vacant and fallow lot can't provide the principal use or building necessary to allow an accessory use or structure. If the planning commission wants to allow accessory structures on otherwise vacant lots, some definitions should be modified or otherwise made that clear in the zoning ordinance.

39 As Chairman Hopkinson was out of town when the main discussion occurred, he asked Alan Malan to lead
40 the discussion. Mr. Malan said the commissioners felt that residents should be able to put up an accessory
41 building without a main structure. Their desire is to give owners the right to do what they want on their
42 property that would be like a use that would normally be used on a property with a residence. He thought
43 the language could be changed to read "a structure that would be considered a be to structure other than a
44 residential main structure."

45 Some discussion took place regarding what would be an ordinary use, for example, barns. It was mentioned
46 that a garage could be used as a barn or a shop. The question would be if there is any agricultural use on the
47 property because it is in the agricultural zone. Mr. Sweat feels they should be allowed to build what they
48 want regardless of what they call it.

49 Ms. Brightwell stated that there are a number of people wanting to use their buildings on a vacant property
50 for RV or toy storage and it's also important to know how to make sure there are not businesses being
51 conducted in those buildings. Businesses in residential zones - home occupations, are defined as an
52 occupation conducted within a dwelling.

53 Chairman Hopkinson noted that everything is tied to the definitions we have in code. We need to make sure
54 our definition is clear, so property owners know what is allowed by permitted use. Mr. Huffman suggested
55 calling buildings on properties without main structures, non-commercial structures. This eliminates the issue
56 with *accessory* definitions. There was discussion about whether a non-commercial structure should be
57 limited to the A-1 zone and if a home could still be built on the lot after that structure is built. It was
58 determined that a property owner is responsible to understand the setbacks and be able to conform to all
59 regulations in the code.

60 **Commissioners Comments:**

61
62 **Chairman Hopkinson** stated that behind closed doors it is hard to control what people are doing in their
63 structures.

64
65 **Laura Charchenko** agrees we do not want to allow commercial buildings as a permitted use in the A-1
66 zone.

67
68 **Alan Malan** agrees with Mr. Huffman's suggestion of calling it a non-commercial structure. Buildings with
69 bedrooms, kitchens, and bathrooms deem the building to be a residential home. Mr. Huffman noted that
70 basically, it is a house with a garage in it.

71
72 **Dee Vest** liked the wording suggested from Mr. Huffman.

73
74 **Corey Sweat** was agreeable to the suggested language as well. He does not want to restrict the A-1 Zone
75 for barns or future homes on the property. He noted that agricultural zoning is not just meant for
76 residential purposes, however a home can be built on the property if the owner so desires and meets all
77 criteria in city codes.

78
79 **Mike Cottle** agrees with Corey Sweat and Mr. Huffman and their suggestions to solve the issue.

80
81 **Councilmember Enquist** agrees that our objective is to restrict commercial use in an A-1 Zone. He does not
82 want to be too restrictive and is perplexed about what to do.

83

84 Staff will draft up language discussed this evening and bring it back to the next meeting. A definition will be
85 added for a non-commercial structure and then the Commission can discuss whatever restrictions they
86 want to put on it.

87
88 **Cathy Brightwell** will review the language in A-1 zoning code to see if additional changes are necessary.

89 **3. Discuss Subdivision Timelines**

90 Commissioner packets included a memorandum from Cathy Brightwell dated April 10, 2020 regarding
91 Subdivision Timelines.

92 Ms. Brightwell introduced this agenda item stating there were several changes made to the Title 16, Subdivision
93 Code in 2015 and 2017. After modifying Sections 16 and 28 regarding timelines it was realized the language did not
94 say what was intended which was to allow a sub-divider to request an extension to record a subdivision prior to the
95 expiration of the 12-month period. Instead, the language that was adopted required the request for extension to be
96 filed before the end of the first 6 months which in some cases could be before the sub-divider even knows an
97 extension will be necessary. Current timeframes can be difficult for individuals doing their own work under
98 monetary and time constraints. The following shows the proposed changes to fix this problem.

99 **Title 16 – Subdivisions**

100 16.16.030 Final Plat

101 O. Expiration of Final Approval. If the final plat is not recorded within twelve (12) months from the date of
102 city council approval, such approval shall be null and void. This time period may be extended by the city
103 council for up to an additional six (6) month period for good cause shown. The sub-divider must petition
104 in writing for this extension forty-five (45) days prior to the expiration of the original ~~six~~ twelve (12)
105 months period. No extension will be granted if it is determined that it will be detrimental to the city. If
106 any of the fees charged as a condition of subdivision approval have increased, the city may require that
107 the bond estimate be recalculated, and that the sub-divider pay any applicable fee increases as a
108 condition of granting an extension.

109 16.28.070 Drainage Plan

110 E. If the final plat is not recorded within twelve (12) months from the date of city council
111 approval, the drainage plan approval will be null and void. This time period may be extended
112 by the city council pursuant to Section 16.16.030 of this Title, ~~for up to an additional six (6) month~~
113 ~~period for good cause shown. The subdivider must petition in writing for this extension prior to the~~
114 ~~expiration of the original six (6) months. No extension will be granted if it is determined that it will be~~
115 ~~detrimental to the city. If any of the fees charged as a condition of subdivision approval have~~
116 ~~increased, the city may require that the bond estimate be recalculated and that the subdivider pay any~~
117 ~~applicable fee increases as a condition of granting an extension.~~

118

119 Staff noted that there may be occasions when a total of 18 months may not be sufficient. We currently
120 have a resident who recognized he wanted to subdivide his property in the future but for efficiency, began
121 the process to coincide with the subdivision of a neighboring property. It made sense for him to run utilities
122 and some street improvements at the same time they were being done for the neighboring subdivision.
123 Since he is doing his subdivision himself as he has the money, it is taking him longer than larger developers.
124 His final plat was approved by city council in October 2019. He has filed for an extension of six months as
125 that is currently the maximum allowed but if granted, that extension will only take him through the winter
126 when his work may be limited by weather.

There was discussion about what we are trying to accomplish with an extension. Chairman Hopkinson noted that the extension is needed so they don't have to go through all the subdivision requirements and the associated fees a second time. This is especially important for small developers. Duane Huffman noted that the biggest reason to have time frames is because the codes change from time to time. The biggest hold up is public improvements and the posting of a bond because they are self-performing. The question is how much time do we want to give them to complete the work and if an additional fees should be required. Mr. Huffman reminded them that fees must be tied to actual costs and the city would not incur any additional costs if extensions are granted.

All Commissioner's approved the language that staff drafted and support allowing an additional 6-month extension to be filed 45 days before the expiration of the first extension, without a fee. Cathy will draft a new document for review and schedule a public hearing.

4. Staff Report

Duane Huffman:

- City Council asked him to bring the idea of considering an area in the city for multi-family housing. The recently updated general plan suggests areas such as 500 West and 500 South for this type of zone. City Council would like the Commissioner's input. Duane suggested creating a mixed-use zone that has both commercial and multi-family housing in the area south of the Larry Miller dealership on 500 West. Another area, 500 South where the Woodhaven trailer park is, was discussed but is problematic due to its proximity to the Holly refinery and poor access in and out of the property.

Chairman Hopkinson is concerned that when you open the door to a zone like this you essentially open up the entire city. He spoke of the new area off 800 West which looks and feels like a multi-housing unit. He believes that verbiage in the general plan clearly states we do not want that type of use in our city.

Duane noted that if it is in the proper place it would not matter much to our city. Chairman Hopkinson stated that increased traffic would not be good in the already congested areas he spoke of. Commissioners were asked to state their feelings, and most were not on board with adding an area for multi-family housing and would have to see a specific plan before being able to consider it. They were curious as to why this is being considered.

Councilmember Enquist stated they see the writing on the wall from the legislature and are trying to get ahead of what might be required in the future so the city can have some control over it and not impose the standard on the existing residential areas of the city. Mr. Huffman added that if the city adds such a zone, we will appear more reasonable and provide an option as the state continues to push for moderate income housing.

Chairman Hopkinson suggested a joint meeting with the Council to understand their feelings in these regards. He noted that most other cities are not happy with the multi-family housing they have allowed. He does not feel we have a good reason to do this or that it adds benefit to our city. Commissioner's agreed with Chairman Hopkinson's statements.

Duane will go back the Council with the message that Chairman Hopkinson wants to know the benefit it will bring to our city and requests a joint work session.

173 • Dee Vest asked Duane Huffman about rebuilding the wall at the trailhead by his home that was
174 damaged from a car running into it. Duane responded that basically, nobody is doing maintenance
175 on this area, but he will check into it. That area is in the County and West Bountiful does not want
176 responsibility for maintaining that trail.

177 **Cathy Brightwell:**

- 178 • There will be a Cannabis Dispensary located in the Carr Building. The building permit was approved
179 today. They will be located in the southeast corner of the building and take up approximately 4000
180 square feet. She is working on an ordinance for this business.
- 181
- 182 • Additional issues came up with the off-street parking ordinance after planning commission made its
183 recommendation so it will be coming back to them before going to the City Council.
- 184
- 185 • A property owner of a home in the historic district wants to build a large garage but does not meet
186 the building design requirements for the Historic Overlay district. He wants to be removed from the
187 district if he cannot get it approved by the Historic Architectural Board. She asked the Commission to
188 begin thinking about whether it is important to maintain the historical district now that it is nearly
189 built out.
- 190
- 191 • Olive Garden construction is still on hold until July. No recent activity in Cubby's building. Raising
192 Cane is pursuing a cross access agreement with The Commons so their customers can use the parking
193 lot/driveway by Arella's to enter and exit the restaurant. Thackeray has been positive, but they are
194 still waiting for Lowe's to sign off on it.
- 195
- 196 • Cathy Brightwell noted that Mike Brown with property located on 1400 North just east of Legacy
197 Parkway contacted her last week and is interested in annexing into our city because of the new
198 County regulations that require them to have 10 acres to develop their property.
- 199

200 **5. Consider Approval of Minutes from March 24, 2020 meeting.**

201 **ACTION TAKEN:**

202 *Corey Sweat moved to approve of the minutes of the March 24, 2020 meeting as presented. Laura*
203 *Charchenko seconded the motion and voting was unanimous in favor.*

204 **6. Adjourn:**

205 **ACTION TAKEN:**

206 *Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:51 pm. Laura*
207 *Charchenko seconded the motion. Voting was unanimous in favor.*

208

209 *The foregoing was approved by the West Bountiful City Planning Commission on April 28, 2020, by unanimous*
210 *vote of all members present.*

211 

212 *Cathy Brightwell – City Recorder*

