

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
www.WBCity.org

Chairman
Denis Hopkinson

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

THIS MEETING WILL BE HELD BOTH IN-PERSON AND ELECTRONICALLY

(See Zoom info below)

**THE PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM
ON TUESDAY, JUNE 9, 2020 AT CITY HALL, 550 N 800 WEST**

Prayer/Thought by Mike Cottle

1. Accept Agenda.
2. Consider Conditional Use Application for Michael & Pam Vogel for a Home Occupation business at 2122 N 1000 West.
3. Discuss Concept Plan for Woodhaven Expansion.
4. Discuss Petition for Land Use Decision for Proposed Cannabis Production Establishment and Medical Cannabis Pharmacy.
5. Staff report.
6. Consider Meeting Minutes from May 26, 2020.
7. Adjourn.

Join Zoom Meeting – Meeting ID 862 6179 6143

<https://us02web.zoom.us/j/86261796143>

One tap mobile

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+14086380968,,86261796143# US (San Jose)

Dial by your location

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+1 669 900 6833 US (San Jose)

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+1 301 715 8592 US (Germantown)

+1 408 638 0968 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 646 876 9923 US (New York)

Meeting ID: 862 6179 6143

Find your local number: <https://us02web.zoom.us/j/86261796143>

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 June 5, 2020 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: June 5, 2020

FROM: Cathy Brightwell

RE: Conditional Use Permit Request for Vogel Crane Service – 2122 N 1000 W

Michael and Pam Vogel have filed an application for a Home Occupation business license to have a home office in their house. They live on a half-acre lot in Kinross Estates that backs up to an empty field. They own a Crane service company that builds homes.

The Vogel's own two crane trucks that they park at their home when not in use. When needed, the trucks are driven to and from a work site and oftentimes are left on the site. Their son, an employee of the company, lives with them and operates one of the trucks. These 'work' trucks are similar to other business vehicles property owners may drive to and from work and park at their homes.

Over the past year we have received several calls from neighbors wondering about the construction trucks on the property and asking if a business was being conducted there. Since that time, a fence has been installed on the side of their property and they plan to build a large garage in the near future. Once, complete, the trucks will be parked in the garage.

As part of the home occupation licensing process, seven neighbors have been contacted about the home business and none have raised any concerns. While not required, a conditional use permit, if issued, will provide documentation to the city and the homeowner that certain conditions must be met regarding business trucks and limitations of the business.

Findings of Fact

The Conditional Use ordinance, Section 17.60.040, requires the planning commission to consider whether:

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; and

6. 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.

Proposed Conditions

Potential Conditions the Commission may wish to consider include:

1. The business will be limited to a home office in the dwelling except that 25% of a garage or accessory structure on the same property may be used, so long as it does not change the residential character of the lot. (WBMC 5.28.040.G);
2. The number of business vehicles on the property will not exceed the number of employees who reside in the home;
3. Outdoor storage will not be permitted in relationship to the Home Occupation Business License. (WBMC 5.28.040.I).
4. Upon issuance of this Permit, the applicant will complete the Home Occupation Business License process.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 2122 N 1000 W. WEST Bountiful UT 84087

PARCEL NUMBER: _____ ZONE: _____ DATE OF APPLICATION: 6/3/2020

Name of Business: Vogel Crane Service

Applicant Name: Michael Vogel

Applicant Address: 2122 N 1000 W West Bountiful UT 84087

Primary phone: 801-682-10958 Fax Number: _____

E-mail address: Vogelindustries@gmail.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

WE Build homes
I intend to park two business vehicles on the
property that are used solely by the occupants of the home.
A Trailer or two maybe on the property at times but will be
Parked within the Fenced Yard or in the shop that is planned to be
built soon.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

Date: 6-3-2020

Applicant Signature: Michael Vogel

FOR OFFICIAL USE ONLY

Application Received Date: 6/4/2020

Permit Number: _____

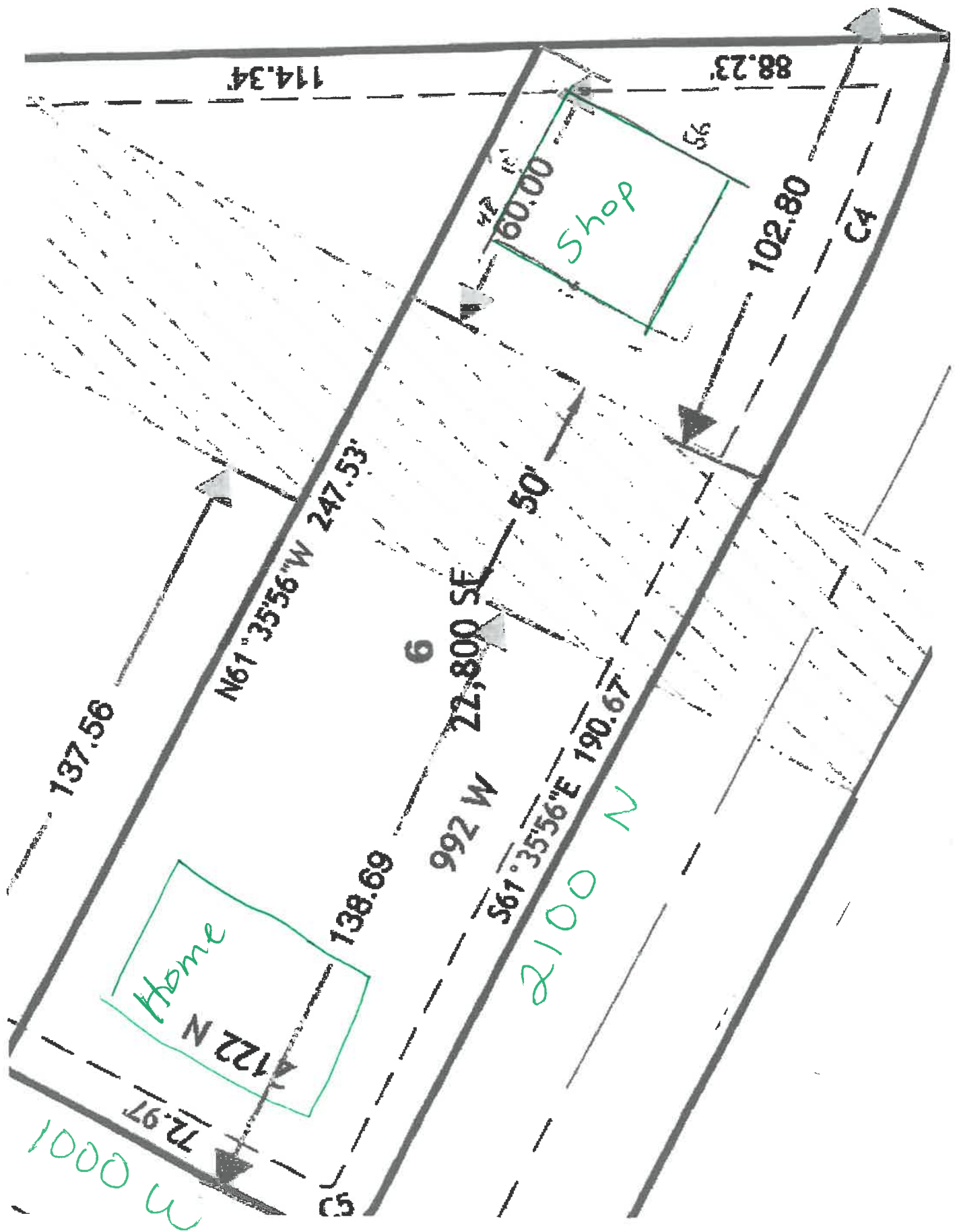
Application Fee Received Date: 6/4/2020

Fire Inspection Date: _____

Permit Approval: _____



VOGEL 2122 N 1000 W



MEMORANDUM



TO: Planning Commission

DATE: June 5, 2020

FROM: Duane Huffman, Cathy Brightwell

RE: **Woodhaven Expansion**

The new owners of Woodhaven Mobile Home Park contacted the city regarding their desire to expand the use of the current property. They shared their proposals with city council on June 2, 2020.

This proposed expansion is complicated by at least the following factors:

1. The property is currently divided by two zones (Commercial General and Light Industrial).
2. The current use of a mobile home park is a non-conforming use in both zones.
3. Woodhaven pre-dates the city's current code on mobile home parks.
4. The city's current code on mobile home parks is outdated.
5. The property is in relatively proximity to the HollyFrontier refinery.
6. The property's sole access from 500 S is less than optimal.

Even with these challenges, it should be noted that the city's General Plan does call out 500 South as an area where higher-density housing options, like a mobile home park, may make sense.

If the city is interested in either of the proposals described in the attached materials and further explained at the meeting, staff recommends a process wherein the city and the developer work together to draft a new ordinance and/or development agreement that governs the mobile home park.



NOTES

1. All drawings are to be submitted in accordance with the following standards:
a. Design Documentation: ASME Y14.100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910,



**SITE ENTRANCE
NEW SIGN AND
LANDSCAPE BUFFER
TO BE INSTALLED**



MOBILE HOME SITE



**PROPOSED
STORAGE AREA**



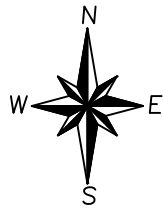
SITE PICTURES



WEST BOUNTIFUL CURRENT ZONING MAP

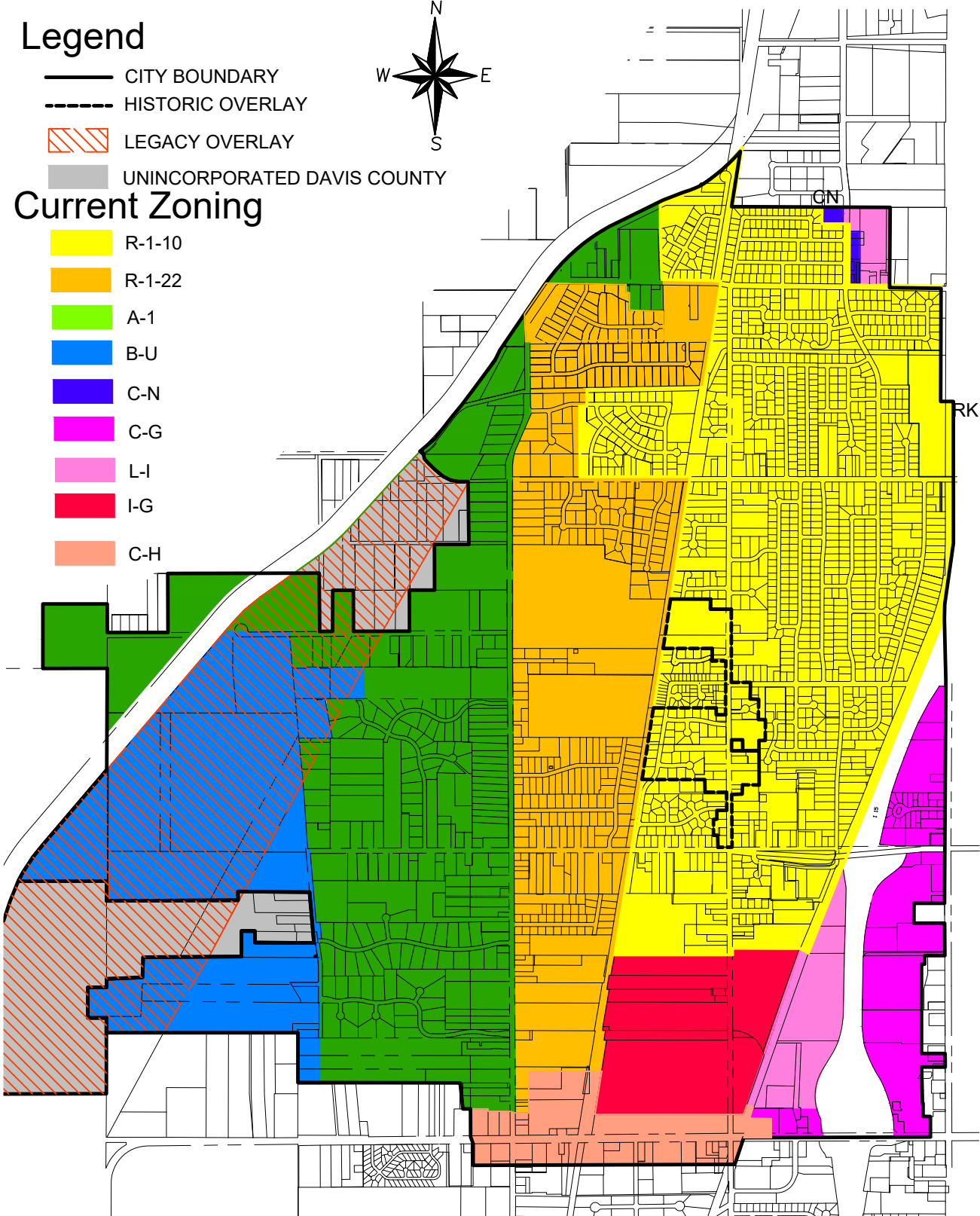
Legend

-  CITY BOUNDARY
-  HISTORIC OVERLAY
-  LEGACY OVERLAY
-  UNINCORPORATED DAVIS COUNTY



Current Zoning

-  R-1-10
-  R-1-22
-  A-1
-  B-U
-  C-N
-  C-G
-  L-I
-  I-G
-  C-H



17.72 Mobile Home Parks And Mobile Home Subdivisions**17.72.010 Purpose And Intent****17.72.020 Standards And Requirements****17.72.030 Additional Requirements For Mobilehome Parks****17.72.040 Additional Requirements For Mobilehome Subdivisions****17.72.010 Purpose And Intent**

The purposes and intent of this chapter are:

- A. To permit variety and flexibility in land development for residential purposes by allowing the use of mobilehomes under certain conditions; and
- B. To require that mobilehome developments be of such character as to promote the objectives and purposes of this title; to protect the integrity and characteristics of the district contiguous to those in which mobilehome parks are located; and to protect other land use values contiguous to or near mobilehome developments.

HISTORY

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

17.72.020 Standards And Requirements

- A. The planning commission shall review the proposed development plan to determine its compliance with all portions of the city's master plan and, among other things, shall attempt to make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this title may be required if necessary for local conditions of health, safety and protection of property, and to insure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
- B. The planning commission shall not approve any application for a mobilehome park or mobilehome conditional use permit if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements. Nor shall such a permit be granted if the developer cannot assure that the development will be completed in a reasonable time, or if the planning commission or city council determines there would be unusual danger of flood, fire or other hazard. Nor shall such a permit be granted if the proposed development would be of such character or in such a location that it would:
 - 1. Create excessive costs for public services and facilities;
 - 2. Endanger the health or safety of the public;
 - 3. Unreasonably hurt or destroy the environment;
 - 4. Cause excessive air or water pollution, or soil erosion; or
 - 5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.
- C. The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:
 - 1. The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.

2. A strip of land at least fifteen (15) feet wide surrounding the entire park shall be left unoccupied, and shall be planted and maintained in lawn, shrubs and/or trees, with an approved wall or fence designed to afford privacy to the development.
 3. All storage and solid waste receptacles outside the confines of any mobilehome shall be housed in a closed structure compatible in design and construction to the mobilehomes, and to any service buildings within the development; all patios, carports, garages and other add-ons shall be compatible in design and construction with the mobilehome. All service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the zoning administrator.
 4. All mobilehome parks and mobilehome subdivisions shall also conform to all applicable state regulations. In the event of any conflict between the regulations and this chapter, this chapter shall take precedence when its regulations are more strict, and the provisions of the state regulations shall take precedence when such regulations are more strict.
- D. Every mobilehome park and mobilehome subdivision shall provide underground utility service to every mobilehome lot as required by the planning commission, including, but not limited to, water, sewer, power and television.
- E. Inspection and Special Regulation of Mobilehomes. Mobilehomes are considered by the city to be less durable and less resistant to deterioration than are conventional homes. Therefore, all mobilehomes which are used for human habitation, whether conforming or non-conforming, and whether located in mobilehome parks, in mobilehome subdivisions or bona fide farms or ranches, shall be subject to the following special regulations:
1. Permits are required for mobilehome plumbing and electrical hookups, and such hookups shall be made only by licensed plumbers and electricians.
 2. No mobilehome may be placed on a permanent foundation without state-approved modification.
 3. No modular home or mobilehome shall be moved into or within the city without a HUD certification for compliance with the National Home Construction and Safety Standards Act of 1974. Homes manufactured prior to June 15, 1976, must receive a certificate of compliance from the state prior to being moved into or within the city.
 4. Each mobilehome within the city may be inspected annually, or upon evidence of need, by the building inspector, to determine whether the structure is sound and being kept in a safe and sanitary condition for human habitation. During the inspection, the building inspector shall determine whether the mobilehome is being maintained in violation of the fire or sanitary codes adopted by the city, whether substantial deterioration of the structure exists so as to adversely affect the health or safety of the occupants, or whether there has been such deterioration in appearance as to render the mobilehome unsightly and to adversely affect the value of neighboring properties.
 5. Upon a finding of noncompliance, the building inspector shall order the deficiencies corrected and a certificate of compliance obtained within thirty (30) days.
 6. If such deficiencies are not corrected, or cannot be corrected, the mobilehome shall be ordered vacated and removed from the premises, and shall not thereafter be used for human habitation within the city unless all deficiencies are corrected and a certificate of compliance obtained.
- F. Compliance with Other Regulations. Any mobilehome located in any permitted area shall comply with and conform to all other zoning laws, rules, regulations and building, plumbing, electrical, fire prevention, and all other codes and requirements applicable to a structure or building erected within the district in which the mobilehome is located.

G. Guarantees.

1. For mobilehome parks, adequate and reasonable guarantees must be provided as determined by the planning commission for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond, or a mortgage on real estate, in a sum to be determined by the planning commission, and in a form which must be approved by the city council and the city attorney.
2. In any case, when a mobilehome park is owned by more than one person, the developer shall establish and appoint a park manager. The manager shall be authorized to receive, process and represent fully the interests of the owners in respect to the continuing management and maintenance of the park.
3. The obtaining of an annual business license from the city shall be a prerequisite to the operation of any mobilehome park in the city.
4. In the event a mobilehome is not completed according to approved plans, the annual business license shall be denied, the mobilehomes and associated property and facilities shall be removed, and all services shall be discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided.

HISTORY

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

17.72.030 Additional Requirements For Mobilehome Parks

In addition to the requirements for mobilehome parks set forth in Section 17.72.020, mobilehome parks shall meet all of the following requirements:

- A. The number of mobilehomes shall be limited to ten (10) units per acre and may be limited to fewer units, depending on mobilehome size, topography and other factors of the particular site. The mobilehomes may be clustered; provided, that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of occupants of the development, and visitors thereto.
- B. No home or add-on shall be located closer than twenty (20) feet from the nearest portion of any other home or add-on. All such homes and add-ons shall be set back at least ten (10) feet from road curbs or walks. If the mobilehome tongue remains attached, it shall be set back a minimum of six feet from road curbs or walks. All mobilehomes shall be set back at least fifteen (15) feet from any boundary of the mobilehome park.
- C. Off-street parking shall be provided at the rate of two parking spaces per mobilehome space, and each such parking space shall have a minimum width of ten (10) feet and minimum depth of twenty (20) feet. In no case shall the parking space be located farther than one hundred (100) feet from the mobilehome space it is designed to serve.
- D. A security compound for storage of vehicles, boats and other large items shall be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobilehome space.
- E. One-story, bulk storage areas shall be provided within a mobilehome park, equivalent to sixty (60) square feet per mobilehome space. The area designated for bulk storage shall be improved, landscaped and screened in such a manner as approved by the planning commission.

- F. Not less than ten (10) percent of the gross land area shall be set aside for the joint use and enjoyment of occupants. The land covered by vehicular roadways, sidewalks and off-street parking shall not be construed as part of this ten (10) percent common area required; provided, however, that in initial stages of development or special smaller developments the minimum area shall be not less than one-half acre or ten (10) percent, whichever is greater.
- G. Yard lighting with a minimum of two-tenths foot candles of light shall be required for protective lighting the full length of all driveways and walkways.
- H. All areas not covered by mobilehomes or recreational vehicles, hard surfacing, or buildings shall be landscaped as approved by the planning commission, and such landscaping shall be permanently maintained.
- I. All off-street parking spaces and driveways shall be hard surfaced before the adjacent spaces may be occupied.
- J. All roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 - 1. One-way traffic: a minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering mobilehomes;
 - 2. Two-way traffic: a minimum of thirty (30) feet in width;
 - 3. Entrance roadways: a minimum of thirty-six (36) feet in width;
 - 4. Roadways: hard surfaced and bordered by twenty-four (24) inch rolled gutters or an approved equivalent;
 - 5. Sidewalks: thirty-six (36) inch minimum width sidewalks on all main roadways within the development, if required by the planning commission; and
 - 6. Access: at least two accesses to public streets, unless more than one access is prohibited by a responsible public agency.
- K. Within forty-five (45) days of occupancy, each mobilehome shall be skirted, or if shields are used, they are to be fireproof, well painted, or otherwise preserved.
- L. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities must be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
- M. The mobilehome park shall:
 - 1. Be in keeping with the general character of the district in which it is to be located,
 - 2. Be located on a parcel of land not less than ten (10) acres, or on two or more parcels separated by a street or alley only and totaling ten (10) acres, unless modified by an approved planned unit development plan; and
 - 3. Have at least twenty-five (25) spaces completed, ready for occupancy, or an approved financing plan for construction and phase completion, together with approved security to assure compliance, before first occupancy is permitted.
- N. A launderette for convenience of park occupants, but not for the general public, may be included in mobilehome parks.
- O. No mobilehome space shall be rented for a period of less than thirty (30) days, and occupancy shall be by written lease. Leases shall be made available for inspection by the officials of the city upon demand.

- P. Access shall be provided to each mobilehome lot for maneuvering mobilehomes into position. The access way shall be kept free from trees and other immovable obstructions. Paving under mobilehomes will not be required if adequate support is provided as required by state regulations. Use of planks, steel mats, or other means to support the mobilehome during placement shall be allowed, so long as the same are removed upon completion of placement.

HISTORY

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

17.72.040 Additional Requirements For Mobilehome Subdivisions

In addition to the requirements for mobilehome subdivisions outlined above, mobilehome subdivisions shall meet all of the following requirements:

- A. Mobilehome subdivisions may be approved by the city council in locations permitting such use in this title. Before such approval may be granted, a report to the city council by the planning commission shall find that the proposed development will:
1. Be located on a parcel of land containing not less than five acres;
 2. Contain lots with a minimum net five thousand (5,000) square feet and a minimum width of fifty (50) feet; and
 3. Be organized in a homeowners' association, if required by the planning commission.
- B. The planning commission may require a security compound for the storage of vehicles, boats, and other large items, to be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobile-home lot, to be maintained by a homeowners' association in the mobilehome subdivision.
- C. Each mobilehome shall be skirted or shielded within forty-five (45) days of occupancy. If shields are used, they are to be fireproof and painted, or otherwise preserved.
- D. Street widths shall be as required by the subdivision regulations, except as may be modified by an approved planned unit development plan.
- E. The planning commission may require the creation of a homeowners' association as a prerequisite to approval of a mobilehome subdivision.
- F. No mobilehome in a mobilehome subdivision shall be rented or leased for a period of less than ninety (90) days.

HISTORY

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

MEMORANDUM



TO: Planning Commission

DATE: June 5, 2020

FROM: Duane Huffman

RE: **Petition for Land Use Code Text Change for Cannabis Production Establishment and Medical Cannabis Pharmacy**

Update on Wholesome Therapy's request for a text change for cannabis production establishment and medical cannabis pharmacy.

- On May 1, 2020, an application was filed to change the city's land use code text related to Cannabis Production Establishments and Medical Cannabis Pharmacies.
- On May 26, 2020, Wholesome Therapy withdrew (temporarily) their petition as it relates to cannabis production establishments. A previously scheduled public hearing was held.
- On June 2, 2020 the city council adopted Ordinance 425-20 adding Medical Cannabis Pharmacy as a Permitted Use in the C-G zone.
- On June 3, 2020 Wholesome Therapy resubmitted their original application.
- On June 4, Wholesome Therapy provided written responses to questions from the city.
- A new hearing on the petition and proposed ordinance has been scheduled for June 23.
- A final decision on the Petition is due by July 18 (or city council regularly scheduled meeting on July 7).

The responses from Wholesome Therapy to questions from city council, planning commission, and staff have been provided for your review. The petitioners will be available at the planning commission meeting to answer any questions you may have.

West Bountiful City Council & Planning Commission,

At WholesomeCo, we believe in the complete, plant-to-patient approach to **medical cannabis** as a natural remedy to health & wellness. By owning and operating the entire medical cannabis supply chain, we are better able to match patients' needs (based on qualified conditions) with the right products, at a fair price, and on time. This has been our true north since inception, and is why we were successful in securing both a pharmacy license and cultivation license, making us 1 of only 3 vertically integrated operators in the State.

Our aspirations to co-locate the cultivation and future processing operation at 580 W 100 N. in Bountiful (in addition to our pharmacy), is driven by doing what's best for Utah's medical patient population and the city we operate in. By co-locating operations, not only do we cut down on costs that will be reflected in the final price to patients, we also decrease the risk of lost/stolen product that can come with operating disparate cannabis operations, scattered across the State, with diversion more prevalent near consumer-facing retail operations. This fact is the basis the Department of Agriculture used in forming their opinion in support of co-locating WholesomeCo operations at the Carr Building:



350 North Redwood Road, PO Box 146500, Salt Lake City, UT 84114-6500
Telephone: 801-538-7100 • Facsimile: 801-538-7126 • <http://ag.utah.gov>

Below you will find detailed answers to your questions and concerns with respect to co-locating these operations with the already permitted pharmacy. In addition, we've provided further information in the accompanying Appendix to support the condensed responses.

<https://www.dropbox.com/sh/wcf3tntkgmopolu/AABPXC9Y0VyKZbzMw1lfKJmDa?dl=0>

While we hope this provides the necessary set of facts and information to get the city's support, we're happy to provide any further information as we continue our dialogue.

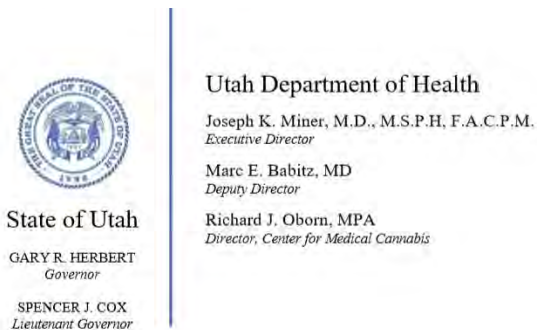
Thank you - The WholesomeCo Team

Licensing

Q: Please provide information on whether the State will license cultivation and/or processing at the same site as a medical cannabis pharmacy.

As outlined by the Department of Agriculture, **there are no regulations that prohibit cannabis production facilities from being co-located at the same property as a medical cannabis pharmacy. In fact, co-locating WholesomeCo's operations is preferred by the State.**

The Department of Health has also provided a letter of approval, outlining that each operation would be under a separate suite number, which is consistent with our plans and understanding at Carr:



May 29, 2020

WEST BOUNTIFUL CITY
550 NORTH 800 WEST
WEST BOUNTIFUL, UT 84087

Subject: Notice of Authorization to Locate Medical Cannabis Pharmacy and Medical Cannabis Processing Facility in Same Building

Dear West Bountiful City:

This letter is to represent the Utah Department of Health's authorization for a medical cannabis pharmacy and a medical cannabis processing facility to be located in the same building.

While a medical cannabis pharmacy and a medical cannabis cultivation facility may be located in the same building, they must be two separate locations with individual addresses (i.e., separate unit or suite numbers). These businesses must be registered individually with the appropriate Department and obtain separate business licenses from the city.

The Utah Medical Cannabis Act has no vicinity limitations for medical cannabis pharmacies and medical cannabis production facilities, including cultivation and processing facilities.

Please refer to Utah Code 26-61a, the Utah Medical Cannabis Act, and 4-41a, Cannabis Product Establishments.

If your office has any questions, please reach out to the Center for Medical Cannabis at 801-538-6504 or via email at medicalcannabis@utah.gov.

Sincerely,

Richard Oborn, MPA
Director, Center for Medical Cannabis
Center for Medical Cannabis
p. 801-538-6504
e. medicalcannabis@utah.gov

Q: Use of the building: Please provide a preliminary layout of how the building would be used for cultivation and eventually processing.

The cultivation area is planned for the North West end of the building, the furthest point from neighboring businesses. The grow spaces will be fully contained rooms equipped with environmental controls such as cooling, dehumidification, light fixtures, irrigation, drains, air filters and other odor eliminating components outlined below.

See Appendix B and C showing the planned placement of the grow containers in the building.

Q: Please describe security features planned for the building. Please provide an estimate of the anticipated number of employees for cultivation and, eventually, processing, and the number of parking stalls required for such employees in addition to those required for current uses of the building.

Security is a major component of the licensing process, and our go-forward operating plans, including hundreds of thousands of dollars invested in state-of-the-art equipment.

State law requires us to have an alarm on every door and window, and continuously monitored motion detectors. If the alarm is tripped, automatic alerts are sent to management via email and phone notification. And if the keyword or phrase is not accurately provided by the intruder, local PD is immediately called/dispatched.

In addition to the alarm systems, a camera monitoring system with continuous, 24/7 recording, records every entrance/exit and room in the production space (as well as all other spaces throughout the facility where cannabis is present). This coverage specifically includes anywhere cannabis may be grown, transported or disposed of.

While the State does not require any additional security measures, we do have plans to contract with a private security company if cultivation and processing are both permitted. Additionally, the State regularly audits facilities prior to and during cannabis production, processing, and sale. On average we are visited by both the Department of Ag and Department of Health twice a month, each. Prior to opening, the State must sign off on security protocols to ensure we meet all the requirements.

Employee count will start at 15-20 for the initial year in operation and scale to 60-70, depending on size and scope of the cultivation and processing to meet future patient demand. Approximately 25% of the employees will be full-time, predominantly working M-F during normal business hours. The remaining 75% will be part-time (or hourly), working anywhere between 10-25 hrs per week, across the various operations. Cultivation will employ the most employees, but their hours will be distributed throughout the day and evening hours.

In compliance with State law, every employee must pass a State and Federal background check (administered by State regulators). If approved by the State, all employees will be trained initially and ongoing about all the laws and regulations, including all security protocols. All visitors are ID'd and require sign-in to a visitor log that is maintained for at least 1 year. Patients in good standing are only allowed in the pharmacy.

There are 115 available parking stalls surrounding the Carr Building, with employee parking on the North side of the building. With cultivation, processing and pharmacy operations co-located at Carr, we anticipate peak vehicle parking to consume 30-40 stalls, including company owned transportation vehicles. It's estimated that Carr Printing employees require 5-10 parking spaces, at peak.

See Appendix D for the full security requirements as well as our internal operating procedures, in compliance with the State, as described in our application for a previous grow location

See Appendix E for parking plan.

Cultivation

Q: Please explain how cultivation will work. For example, will planting and harvesting follow seasonal schedules?

Wholesome's cultivation methodology will be industry standard indoor controlled environment agriculture. All aspects of the plant life cycle will be controlled by the facility 24/7/365 to allow for perpetual planting and harvesting, and not be seasonal. Plants will be grown hydroponically in negative pressure sealed rooms that reduce the need to actively work the plant on a regular basis, as well as prevent pest/pathogens from entering. These negative pressure sealed grow rooms are also designed to eliminate odors from exiting.

The plant cycle is about 120 days from clone to harvest date. Roughly half of that time is spent in flowering conditions where the plant produces usable flowers or buds that can be harvested and then trimmed, dried and cured, readying the product for sale or further processing. We will be staggering the room cycles, which allows us to run a more efficient operation and harvest every month to keep up with patient demand.

See Appendix F for a more detailed explanation of cultivation techniques.

Q: Will interior odors be essentially constant, or will they peak at different intervals?

Odors will be constant and predictable as a result of the perpetual cycles. This will allow for us to effectively manage odors in a consistent and measured way.

Through the use of carbon scrubbers, building design and other odor suppression techniques we plan to have our odor load at or below 5D/T (dilution-to-threshold) as measured by a scentometer at the property line of the site..

This level would prevent smells of cannabis from being present at our neighboring businesses, and would likely be lower than existing activities at neighboring businesses (e.g. refueling station, commercial kitchen, lumber yard, nursery, etc.)

More information related to this measurement and odors from agriculture can be found in the Appendix M.

Q: What "scrubbers" will be used to prevent exterior odors? What is the useful life of the scrubbers? What maintenance is required?

Our odor mitigation and 'scrubbing' plans include the following 3 steps and components:

Charcoal carbon filters will be used throughout the facility to scrub any air outside of the cultivation rooms. The pre-filter units of these carbon filters will be cleaned monthly to allow for optimal airflow through the filtration system. With a lifespan of 12-18 months, we will proactively replace each carbon filter every 12 months.

To mitigate smell inside each cultivation room, **UV light** and **ozone** will be utilized within HVAC systems to remove odors from rooms to lessen the overall odor load. Maintenance of the HVAC units requires inspecting and cleaning the unit quarterly to ensure it is free of contaminants and operating efficiently. We plan on inspecting these units once every 60 days. HVAC units with UV lighting and ozone emission have a lifespan of 24-36 months.

All three of these odor remediation systems work by passing odorous air over, through and/or around a deodorizing agent to scrub the air of the volatile organic compounds that are responsible for the smell associated with cannabis. The UV and ozone are installed within a HVAC air handling unit and have air passed around/over the units. And the activated charcoal filters are stand alone units that have a fan attached to pull air through the filter. Both of these units will be used throughout the facility in all areas and are increased in areas that have higher odor pressure, such as flowering rooms.

See Appendix G for studies on using carbon filters to remove odors surrounding commercial buildings.

See Appendix M for additional information about carbon scrubbers, odor eliminators and HVAC units specified in the response.

Q: What types of regular shipments are needed for cultivation (soil, fertilizer, etc.)?

Shipments will occur at the same regularity of a small manufacturing facility in order to maintain production. The types of items needed on a regular basis would be common horticultural products such as soil, fertilizers, pots and sanitation/cleaning supplies. Products will be in condensed and concentrated forms reducing size and frequency of deliveries, with an anticipated cadence of deliveries for these products of 2x per month.

Q: What types of waste products are created as part of cultivation? How are they handled and disposed of?

Waste products are divided into two categories: plant material and non-plant material. Plant material is composed of stems, leaves and roots, which are not product categories that can be sold or used by law. Plant material is weighed and recorded in the State's tracking system and then shredded and mixed with 50% non plant material by volume, before being disposed of in a locked dumpster under video surveillance.

Non-plant material is disposed of routinely, alongside the plant material in a secured dumpster. No hazardous waste is created during the production process.

See Appendix H for additional information on State required waste disposal standards.

Q: What are the annual water needs? Do you plan to use culinary or secondary water? Is the use of water constant or seasonal? Will anything with the current water connection to the building need to be changed (e.g. meter)?

Initially our operation will require an average of 250 gallons of water daily. To maintain the highest cultivation standards for medical consumption, we filter culinary water using a reverse osmosis water purification system prior to application. **No changes are needed to the current water supply system.**

At peak usage, we anticipate needing 800 to 1,000 gallons of water per day. Operating indoors requires extremely strict adherence and awareness to water conservation, as leaks and spills significantly increase costs to the operation, both in time and money.

For comparison, a small to medium sized plant nursery that you would find at Lowe's or Home Depot will use more than 100,000 gallons of water per month. At peak, our cultivation water needs will be 5-10x less than this.

Q: As processing on site is not in the immediate plans, how often will shipments of harvested materials be leaving the site? Will shipments be limited to business hours? What types of trucks are used for this purpose?

The number shipments (inbound and outbound) of harvested bulk product will be significantly reduced (and perhaps eliminated) by co-locating our full operation (cultivation + processing + pharmacy) in the Carr Building. Our primary objective with cultivation is to supply our own pharmacy needs, with the majority of the product produced not leaving our premises as bulk material, but as finished products purchased by patients. If cultivation is off-premise, we would estimate 30-40 truckloads per month to our pharmacy. And due to the sheer quantity of raw material in each truck, we would be significantly increasing the security risk to our staff and surrounding businesses and their patrons if cultivation is off-premise.

With respect to processing (for extracted product, which is estimated to represent ~40% of the demand), it's our intention to obtain a processing license this year and house our own processing operation at the Carr Building. If we're approved for processing at Carr, we will immediately move to apply for and secure this license. However, if we're unable to process at Carr, and have our cultivation operation at Carr, we estimate 3-4 truckloads of outbound raw material each month leaving for processing, with another 3-4 truckloads of inbound finished products returning each month for sale.

Any remaining shipments, deliveries or transfers of bulk product (raw flower or extracted products) will be transported in unmarked, secure panel trucks during regular business hours and accompanied by a transfer manifest created within the State tracking system, available to local law enforcement.

Q: How often will shipments/deliveries of processed materials arrive at the site to be sold? What types of trucks are used for this purpose? Will deliveries be limited to business hours?

With our pharmacy already permitted and slated to open in July, we've outlined 4 scenarios to answer your first question related to wholesale shipments:

Scenarios	Inbound Shipments	Outbound Shipments	Total Shipments
No cultivation & no processing (current state)	4-6 per week	.5-1 per week	5-7 per week
No cultivation & Tier 2 processing	3-5 per week	.5-1 per week	4-6 per week
Cultivation & Tier 2 processing	1-2 per week	1-2 per week	2-4 per week
Cultivation & Tier 1 processing	0-.5 per week	1-2 per week	1-2.5 per week

It is our goal to be self-sufficient, under one roof, cultivating and processing most of what we sell. This will significantly reduce deliveries and overall traffic to and from our pharmacy, as most of the product sold will be cultivated and processed under the same roof.

If we do need to ship from another location to our Pharmacy, deliveries would happen during normal business hours via unmarked and secured panel trucks, all of which would be

accompanied by a transfer manifest created within the State tracking system and available to local law enforcement. All transports are scheduled and reviewed in the State tracking system prior to order and delivery.

Processing

Q: Please provide information on the processing techniques that are eventually planned to occur onsite.

Processing cannabis includes a wide variety of techniques, some of which have been used for thousands of years. In layman's terms, processing cannabis involves taking the necessary steps to separate useful elements of the plant and infusing them into another form factor (e.g. a cuboid, cream, tincture, etc).

Processing can also be referred to as the step in the supply chain where cannabis buds are prepared and packaged for sale at retail. As identified by State lawmakers, the permitted medical cannabis delivery forms for extracted cannabis products include:

- Tablet
- Capsules
- Tinctures
- Gelatinous cube (square gummies - not candy or enticing to children)
- Teas
- Lotions and creams
- Liquid suspensions
- Concentrates such as oils, waxes or resins

The State has divided processing licenses into two tiers. Tier 2 allows for only the processing and packaging of dried flower. This method involves trimming leaves and stems off the harvested buds. Production would require 1,000 - 1,500 square feet, most of which would be taken up by a vault for storage.

A tier 1 processing license would allow for the extraction of cannabinoids and terpenes from the harvest plant and formulating it into a cannabis product then packaging it to be sold to patients.

Packaging any cannabis product is highly regulated according to the Utah Medical Cannabis Act and enforced by regulators, we will comply with section 4-41a-602 of the State code that states:

- (1) For any cannabis product that a cannabis processing facility processes or produces and for any raw cannabis that the facility packages, the facility shall:
 - (a) label the cannabis or cannabis product with a label that:
 - (i) clearly and unambiguously states that the cannabis product or package contains cannabis;
 - (ii) clearly displays the amount of total composite tetrahydrocannabinol and cannabidiol in the labeled container;
 - (iii) has a unique identification number that:
 - (A) is connected to the inventory control system; and
 - (B) identifies the unique cannabis product manufacturing process the cannabis processing facility used to manufacture the cannabis product;
 - (iv) identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;
 - (v) does not display an image, word, or phrase that the facility knows or should know appeals to children; and
 - (vi) discloses each active or potentially active ingredient, in order of prominence, and possible allergen; and
 - (b) package the raw cannabis or cannabis product in a medicinal dosage form in a container that:

- (i) is tamper evident and tamper resistant;
- (ii) does not appeal to children;
- (iii) does not mimic a candy container;
- (iv) is opaque;
- (v) complies with child-resistant effectiveness standards that the United States Consumer Product Safety Commission establishes; and
- (vi) includes a warning label that states: "WARNING: Cannabis has intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed by a qualified medical provider."

In order to execute against our demand projections with extracted products (and limit the need to buy/ship from wholesalers), we would require approximately 3,000 - 4,000 square feet at the Carr Building for extraction and processing. We are prepared to apply (and likely secure) a Tier 2 processing license, with approval by the city to co-locate this operation alongside our cultivation and pharmacy operations.

See Appendix J for description of extraction techniques and machinery details.

Q: Would processing ever be done at this site for products sold at different locations?

Patient projections are estimated to reach 50k within the next 48 months. Currently, patient ramp is scaling faster than expected, and we believe patient count could reach 100k patients, Statewide. At either of those patient count figures, a 3-4k sq foot processing operation would only be able to support a single pharmacy. Our intention with being co-located is to build the necessary operations up the supply chain to support the pharmacy operation and its demand, all under one roof.

If or when production outpaces internal sales we may choose to sell Wholesome products at other Medical Cannabis Pharmacies in Utah. However, with 5 cultivators and 11 pharmacies not being vertically integrated, it's our belief that the wholesale market will be sufficiently operated by these non-vertically integrated license holders.

Q: What type of equipment is needed?

Tier 2 processing requires very little equipment. The process includes a dry/cure room to prepare the cannabis, trimming machines, scissors, vacuum sealers and storage containers housed in a secured vault.

Tier 1 processing, which allows for extraction and formulations, requires some lightweight machinery, a basic chemistry lab and a State certified kitchen for formulation and product packaging. Methods for extraction vary in size, complexity and costs, and largely depend on the available sq footage. However, if permitted to process as a Tier 2 processor, we would move forward with one of the following extraction methodologies:

1. Hydrocarbon based extraction systems (cannabinoids and terpenes are organic hydrocarbons)
2. Liquid CO2 extraction systems
3. Ethanol based extraction

All three methods would be closed loop systems and have been proven to be safe and effective methods to create medical grade cannabis products for patient consumption.

See Appendix K for details about the variable extraction processes.

Q: What type of combustible materials will be on-site?

No combustible materials are required for a Tier 2 license to process and package dried flower.

A Tier 1 license would allow for the use of ethanol, butane or CO2 extraction machines to separate the cannabinoids and terpenes. These materials would be stored in a licensed C1D1 container in accordance to State code. Ethanol and other common cleaning supplies are used to sanitize and prevent any contamination, these items are stored in vented flammable cabinets with anti static grounding.

It's important to note that any licensed operators are obligated to follow the State's safety protocols. Processors are regulated by the Department of Agriculture and Food, and similar to cultivation and pharmacy operators, processors are inspected prior to being awarded a license and visited regularly thereafter. We expect routine visits from State regulators at least twice a month.

*For additional information on State laws and regulations for processors please see Appendix L.
For additional information on the extraction solvents refer to Appendix J.*

Q: What types of waste products are created as part of processing? How are they handled and disposed of?

Waste created through processing is similar to cannabis production waste. It is weighed and recorded in the State tracking system then disposed of in a locked dumpster under continuous surveillance footage that is accessible for at least 45 days. Waste that contains stems and leaves is shredded and mixed with non plant material until it is rendered useless.

Q: What are the water needs for processing? Do you plan to use culinary or secondary water? Is the use of water constant or seasonal? Will anything with the current water connection to the building need to be changed (e.g. meter)?

There are minimal water needs for processing, primary use will be for cleaning and sanitation.

Development Agreement

Q: What terms do you recommend for a development agreement?

This would need to be worked out with the city attorney. However, at minimum, we would expect language defining what constitutes a violation, the number of violations permitted, how to remedy any violations, and a dispute resolution provision.

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

May 26, 2020

3 **PENDING – NOT APPROVED**

4 **Posting of Agenda** - The agenda for this meeting was posted on the Utah Public Notice website, on the
5 West Bountiful City website, and at city hall on May 22, 2020 per state statutory requirement.

6 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 26,
7 2020 at West Bountiful City Hall, Davis County, Utah.

8 **Those in Attendance:**

9 *Due to the Coronavirus outbreak this meeting was held partially by teleconference measures.*
10 *Those present at City Hall were Denis Hopkinson (Chairman), Alan Malan, Dee Vest, Kelly Enquist*
11 *(City Councilmember), and Duane Huffman (City Administrator). All others tuned in electronically.*

12 **MEMBERS ATTENDING:** Chairman Denis Hopkinson, Vice Chairman Alan Malan, Commissioners
13 Corey Sweat, Mike Cottle, Dee Vest, and Council member Kelly Enquist.

14 **MEMBERS EXCUSED:** Laura Charchenko

15 **STAFF ATTENDING:** Duane Huffman (City Administrator), Cathy Brightwell (Recorder), and
16 Debbie McKean (Secretary), Chief Todd Hixson, Steve Doxey (City Attorney)

17 **VISITORS:** Bruce Baird, Gary Jacketta, Bill Goldberg

18 The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson.
19 Corey Sweat offered a prayer.
20

21 **1. Accept Agenda**

22 Chairman Hopkinson reviewed the agenda. Corey Sweat moved to approve the agenda as
23 presented noting the withdrawal of the petition by Wholesome Therapy of a portion of Item #4.
24 Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.
25

26 **2. Public Hearing – Petition by Wholesome Therapy for Land Use Code Text Change for**
27 **Cannabis Production Establishment.**

28
29 **Action Taken:**
30

31 **Corey Sweat moved to open a public hearing for Petition by Wholesome Therapy for Land Use**
32 **Code Text Change for Cannabis Production Establishment at 7:46 pm. Dee Vest seconded the**
33 **motion and voting was unanimous in favor.**
34

35 **Introduction:** Chairman Hopkinson reviewed the purpose of the public hearing and explained
36 that the Petitioner has withdrawn most of its Petition but the hearing should continue to address

the issue of considering medical cannabis pharmacies as a permitted use in the Commercial General (C-G) zone.

Bruce Baird, representing Wholesome Therapy, explained that they made the decision to withdraw the majority of their pending Petition in order to complete work on a list of questions asked by the City. They feel it is in the best interest of the City to withdraw and refile the petition when they have the answers thereby stopping the clock and giving the city more time to review the issues.

Public Comment: No public comments were made.

Action Taken:

Corey Sweat moved to close the public hearing at 7:47 pm. Alan Malan seconded the motion and voting was unanimous in favor.

3. Public Hearing- Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishment.

Action Taken:

Mike Cottle moved to open a public hearing for Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishment at 7:48 pm. Dee Vest seconded the motion and voting was unanimous in favor.

Duane Huffman explained that the city is in the process of preparing a comprehensive ordinance related to Medical Cannabis Pharmacies and Cannabis Production Establishments.

Public Comment: No Public Comments were made.

Action Taken:

Dee Vest moved to close the public hearing at 7:49 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Petition for Land Use Code Text Change for Cannabis Production Establishment by Wholesome Therapy

Commissioner packets included a memorandum from Duane Huffman dated May 22, 2020 regarding Petition for Land Use Code Text Change for Cannabis Production Establishment along with the full request from petitioner.

Chairman Hopkinson introduced the memorandum and the changes that have been made. Duane Huffman explained that since the applicant withdrew his petition the only text change applicable is 17.36.020 and referred to the state code as to what the city can do. He noted that it cannot be made a conditional use and that we can only govern the time, place, and manner

of the Cannabis Pharmacy. Mr. Huffman pointed out things in the state code that could be applicable to our city land use. The only signage they can have is their name, hours of operation and a green cross on the outside of the building.

Dee Vest asked if hours can be restricted. Mr. Doxey stated that the city has the authority to extend the hours but cannot restrict them less than the state statute which is 7 am – 10 pm.

Chairman Hopkinson asked if there was a response to the request made at the last meeting about getting comments from neighboring businesses. Duane Huffman responded that Mr. Thackery had some vague concerns and he will contact several of their tenants to see how they feel about the business.

Mr. Baird said they also spoke with Mr. Thackery. He indicated that the production facility is their main concern but Mr. Baird feels that those concerns will subside as they refile the petition.

Mr. Huffman asked if there were any other issues of concern from the commission at this time. Chairman Hopkinson pointed out some things they could consider. Commissioners had no comments at this time.

Sharing the building with other tenants is not recommended from the Commission but it is allowed. There was discussion about parking and if any specific regulations should apply. Mr. Baird feels the city's parking requirements will be more than suitable for their business needs.

Chairman Hopkinson pointed out that if this proposed ordinance change is adopted it is fair game for all in the CG zone to have a medical cannabis pharmacy. Duane noted that they are already allowed in any zone that is not a residential zone, by state code they would not be allowed in this area if a pharmacy is already in place, and they would be subject to proximity restrictions to certain community businesses. Chairman Hopkinson stated he finds it hard to believe that the city cannot limit the amount and type of businesses allowed in our City.

Action Taken:

Corey Sweat moved to make a positive recommendation to city council to accept the proposed language for Medical Cannabis Pharmacies as a permitted use in the Commercial General zone with the condition that business hours cannot exceed 7am-10pm daily. Dee Vest seconded the motion and motion passed 3 to 2. Alan Malan and Mike Cottle voted Nay and Corey Sweat, Dee Vest, and Denis Hopkinson voted Aye.

5. Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishments

Commissioner Comments:

Chairman Hopkinson noted that since Steve Doxey stated that medical cannabis pharmacies are allowed in any zone that is not primarily residential, they should consider renaming the agricultural zone or creating a new agricultural zone that allows cannabis in that specific area.

For example, R-A-1 (Residential Agricultural - 1 acre minimum) which would have the same uses as the A-1 but change its primary designation from agricultural to residential. Mr. Doxey noted that there are creative options that can be used. He informed the Commission that only one industrial zone must be designated for cannabis – either existing Light Industrial (L-I) or Industrial General (I-G). Agricultural zone must allow cannabis production unless there are multiple zones and then only one designated for production. He noted that the location of a production establishment must be 1000 feet away from a community business, such as a school or library, etc.

Alan Malan would like to have three different zone distinctions. Duane gave some suggestions as to how it can be handled. He clarified that production does not have to be allowed in a commercial zone but if desired, can be a permitted or conditional use.

Some discussion took place as to how to handle the situation and what areas in the city should allow this use. For example, a new agricultural zone could be designated on the west side of Legacy Parkway and most other A-1 areas changed to primarily residential (R-A). There was also discussion about whether to limit cultivation establishments to the I-G or L-I zones or allow it in both.

Alan Malan asked if we need to do anything with the BU Zone. Duane Huffman suggested that it needs to be updated and uses clarified in that zone.

Duane Huffman stated that staff can draft language and bring back to the Commission. A new public hearing will be scheduled once a specific proposal is available.

6. Public Hearing - Proposed Changes to WBMC Title 16 - Restrictions for Flag Lots on Dead-end Streets.

Chairman Hopkinson introduced the item proposed for public comment.

Action Taken:

Corey Sweat moved to open the public hearing for Proposed Changes to WBMC Title 16- Restriction for Flag Lots on Dead-end Streets at 8:49 pm. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comment: No public comments were made.

Action Taken:

Dee Vest moved to close the public hearing at 8:50 pm. Alan Malan seconded the motion and voting was unanimous in favor.

159 **7. Consider Proposed Code Changes to Title 16 - Restrictions for Flag Lots on Dead-end**
160 **streets.**

161
162 Commissioner packets included a memorandum from Cathy Brightwell and Duane Huffman
163 dated May 22, 2020 regarding restrictions for flag lots on dead-end streets and a redline copy of
164 proposed changes.

165
166 Planning commission has been discussing restrictions for flag lots on dead end streets for several
167 months after a resident requested a flag lot be included as part of a subdivision he is proposing
168 at 1390 W 1200 North. There are no changes to the proposal below previously reviewed by
169 planning commission and Mr. Doxey.

170
171 16.04.020 Definitions:

172 Current: "Cul-de-sac" means a street which is designed to remain permanently closed at one
173 end, with the closed end terminated by a vehicular turnaround.

174 Add new: ***"Dead end street" means a street with only one way in or out. It may or may not***
175 ***have a turnaround for vehicles at the closed end.***

176
177 WBMC 16.12.060.5

178 ***"the staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or***
179 ***within four-hundred feet of the closed end of a dead end street. If the dead end street has a***
180 ***turnaround at the closed end, the distance will be measured from the center of the***
181 ***turnaround.***

182
183 16.12.060 Lots

184 D. Flag lots will only be allowed where traditional lot development is not feasible. Such lots
185 shall meet the following criteria:

186 1. The staff of the lot shall not be less than twenty feet (20') **wide** and shall not exceed
187 the design length requirements for a cul-de-sac.

188
189 **Action Taken:**

190 ***Corey Sweat moved to make a positive recommendation to city council to accept the changes***
191 ***as proposed. Dee Vest seconded the motion and voting was unanimous in favor.***

192
193 **8. Public Hearing for Proposed Changes to WBMC Title 17- Uses in the A-1 Zone**
194 **including Non-Commercial Structures.**

195
196 **Action Taken:**

197 ***Mike Cottle moved to open the public hearing for Proposed Changes to WBMC Title 17- Uses in***
198 ***the A-1 Zone including Non-Commercial Structures at 9:02 pm. Dee Vest seconded the motion***
199 ***and voting was unanimous in favor.***

200
201 **Public Comment:** No public comments were made.
202

Action Taken:

Dee Vest moved to close the public hearing at 9:03 pm. Alan Malan seconded the motion and voting was unanimous in favor.

9. Consider Changes to Title 17 Regarding A-1 Uses including Non-commercial structures.

Commissioner's packets included a memorandum dated May 22, 2020 from Duane Huffman and Cathy Brightwell regarding A-1 Uses including Non-commercial structures.

As discussed in previous planning commission meetings, several changes have been proposed for permitted and conditional uses the A-1 zone. The primary issue was to consider storage structures when there is no home on the property. At the planning commission's direction, Mr. Doxey developed language that includes non-commercial structures as a permitted use in this zone.

Cathy Brightwell reviewed the language and pointed out the proposed changes below include an updated list of Permitted and Conditional Uses and includes a proposed definition for non-commercial structures.

17.16 Agricultural District, A-1

17.16.020 Permitted Uses

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

1. Agricultural;
2. Single family dwelling;
3. Farm Animals;
4. Home Occupations;
5. Residential facility for persons with a disability; **and**.
- 6. Non-commercial structure.**

17.16.030 Conditional Uses

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

1. Equestrian facilities, commercial stables;
2. Public or quasi-public uses;
3. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
4. Flag lots;
- 5. Natural resource extraction;**
- 6.5. Residential facility for elderly persons;**
- 7.6. Kennels (pursuant to Chapter 5.28 Home Occupations);**
- 8. Residential facility for Elderly Persons;**
- 9.7. Accessory Dwelling Units (ADU); and**
- 10.8. Restricted Lots (see definitions, Section 17.04.030);.**

17.04.030 Definitions

"Non-commercial structure" means a structure that: (1) is not designed or used for commercial purposes, (2) is not designed or used as a dwelling, (3) is not accessory to a principal building or

use on the same lot, and (4) is not a landscape enhancement such as an arbor or trellis. Such conditions will be stipulated in a recorded agreement between the city and property owner. If a principal building or use is established on the same lot as a non-commercial structure, the non-commercial structure will be deemed an accessory structure subject to all regulations governing accessory uses, buildings, or structures.

Corey Sweat noted that he has issues with the requirement in the definition for a recorded agreement between the city and property owner stipulating to the uses for the structure. Mr. Huffman explained the importance and reasoning behind the inclusion which will alert future owners of the restrictions on the uses of the structure. This is the only way we can communicate with new owners.

Action Taken:

Dee Vest moved to make a positive recommendation to city council to approve the changes as proposed per the redline copy dated May 22, 2020. Motion passed 3 to 2 with Mike Cottle, Dee Vest and Denis Hopkinson voting Aye; Alan Malan and Corey Sweat voted Nay.

10. Staff Report

Cathy Brightwell:

- For the past several months, most new business construction has been put on hold but in the last week several have contacted the city to say they are ready to move forward - Raising Cane's will begin construction at 400 N and 500 W upon completion of demolition of the existing gas station; Dominion Energy will begin their wall enclosure on Porter Lane next week; and Café Rio is moving into the old McCallister building.

Duane Huffman:

- 800 West construction - Water lines are almost completed between 1000 N and Pages Lane and construction will be moving south around June 1st.
- The powder coat box at 1100 W and 500 S brought to our attention by Commission Sweat, is in the process of being relocated.
- We followed up on the Airstream trailer at the Elks Lodge that appeared to be taking up permanent residence. The trailer is occupied by a traveling nurse that is stranded due to the pandemic and is expected to be moving as risk levels decrease.
- We have posted a job ad for a city engineer to replace Ben White; duties will remain similar including land use management and working with planning commission.
- Demolition of the old West Bountiful Elementary school is in progress. There was discussion about changes to the access in and out of the school and the importance of proper signage to avoid confusion.
- Design for the new well should be completed soon, but we will hold off on construction until we have a better feel for how the economy has been impacted.

11. Consider Approval of Minutes from May 12, 2020 meeting.

Action Taken:

Corey Sweat moved to approve of the minutes of the May 12, 2020 meeting as presented. Alan Malan seconded the motion and voting was unanimous in favor.

12. Adjourn:

Action Taken:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at pm. Mike Cottle seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on June 9, 2020, by unanimous vote of all members present.

Cathy Brightwell – City Recorder