

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
Corey Sweat
Dennis Vest

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, MARCH 23, 2021 VIA ZOOM (see info below)

1. *The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.*
2. Prayer/Thought by Commissioner Cottle.
3. Accept Agenda.
4. Introduction of Proposed Brookside Ranch development.
5. Re-Consider Conditional Use Application #21-02 for West Bountiful 400 N Viaduct Well House.
6. Discuss Height Regulations/Setbacks in Residential Districts for Public Hearing on April 13.
7. Staff report.
8. Consider Meeting Minutes from March 9, 2021.
9. Adjourn.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/87193341750>

Meeting ID: **871 9334 1750**

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on March 19, 2021 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

March 23, 2021

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 March 19, 2021 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 23, 2021 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: All attending via Zoom: Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko, and Council member Kelly Enquist.

STAFF ATTENDING: Duane Huffman (City Administrator), Kris Nilsen (City Engineer), Cathy Brightwell (Recorder, Community Development) in house, and Steve Doxey (City Attorney), Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Mark Preece, Steve Maughan, John Janson, John Bankhead, Jay Gough, Walt Plumb, Todd Willey, Gary Jacketta, Julie Thompson.

The Planning Commission meeting was called to order at 7:30 pm by Chairman Malan.

1. Chairman Alan Malan read the following message:

The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.

2. Prayer by Commissioner Cottle

3. Accept Agenda

Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda as presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among all members present.

4. Introduction of Proposed Brookside Ranch Development

A copy of the conceptional plan for **BROOKSIDE RANCH** was included in the commission packets. John Bankhead, representing the Gardner Company, presented the plan to the commissioners explaining that Brookside Ranch is dedicated to promoting the agrarian and

equestrian lifestyle that is an important part of the culture of West Bountiful. It is being planned as an active, pedestrian-oriented development designed around parks, open space, equestrian amenities, with multiple trails and connections to the Legacy Parkway Trail system.

Mr. Bankhead told the commissioners that after 12 years of discussion and meetings with the community and the city, the citizens of West Bountiful have emphasized their strong desire to preserve a rural feel with minimal traffic, low light pollution and large lots. Brookside Ranch strives to meet these goals, and they feel like they have created a development that has done that and will be suitable for the community.

The initial concept includes:

- 126 lots on 126 acres with approximately 28.5 acres of open space and parks with multiple trails and trail connections. Lots range in size from 3.187 acres to 0.417 acres. The average size of lot is .83 acres. He added that the 126 acres does not include the Rocky Mountain Power corridor.
- 2.5 acres of developed park.
- 26 acres of open space and equestrian trails including:
 - 10 acres deeded to the City from UDOT for open space and parks
 - 13.9-acre parks and trails easement in the Rocky Mountain Power corridor granted in favor of West Bountiful City
 - 2.1 acres of open space and community garden within the project
- Design and Architectural principles
- Streetscape Variety
- Recreational Amenities
- Fencing and Lighting
- Monument/Entry Signs
- Site Furnishings

To achieve the proposed number of lots, a density bonus and zoning flexibility are being requested.

Following the presentation, the following discussion took place:

Laura Charchenko stated that 85 % of the lots do not meet the 1-acre minimum required for the zone. She feels that with some tweaking a plan could be put into place that would be a great fit as what has been presented is a beautiful development. Mr. Bankhead noted that they have tried to balance the area with various sizes to accommodate the needs and desires of future property owners.

Dee Vest complimented the presentation. He said he has checked with surrounding neighbors and they were not in favor of lots smaller than 1 acre.

Corey Sweat commented that the developers are moving the right direction. He asked if the project qualifies as a PUD. Duane Huffman responded that our Code allows density up to 20% but at this point staff is not sure if the development meets the criteria. He noted that the developer desires to meet current code and has not asked for any ordinance to be changed.

Mike Cottle asked how many 1 acre lots could fit into the project. Mr. Bankhead responded that it would be about 104 lots. Mr. Cottle explained that he is a real estate agent and is familiar with the land shortage. He pointed out that the new Highgate development has a waiting list and feels that one-acre lots are desirable and sellable.

Mr. Bankhead responded that 1 acre lots are about \$400,000 each and developers are concerned this could price some buyers out of the market. They feel like a mix of lot sizes are more affordable to build on and meet the needs of a larger segment of the community. Ms. Charchenko noted that a lot of people will sell their current homes within the city so they can remain in West Bountiful, so she feels there is a market for one-acre lots.

Alan Malan commented that he prefers the lots to be closer to 1-acre than what is proposed and wants to see more ingress and egress in a development this size. Mr. Bankhead noted there is a discussion of a development going onto the Smith property to the south. He added that neighbors do not want to connect to Redwood Road, so they will work with the engineers to figure more options for access within the development.

5. Reconsider Conditional Use #21-02 for West Bountiful's 400 North Viaduct Well House

Commissioner packets included a memorandum dated March 19, 2021 from Staff regarding West Bountiful City Conditional Use Permit for the 400 North Well Site (at approximately 750 West 400 North) requesting a change to the previous action taken.

At the March 9, 2021 meeting, the planning commission approved a conditional use permit for the well house with staff's proposed conditions and added the following additional conditions:

- Public access to un-fluoridated water for West Bountiful citizens will be added into the design.
- Additional gravel and an additional drive approach will be added to the west frontage for off street parking for access to the un-fluoridated water.

Duane Huffman explained that after review of the previous motion to grant a conditional use for a new city wellhouse, legal counsel believes that the planning commission is free to make a non-binding request to the city council regarding community access to fluoride-free water, but it cannot impose a condition that is not reasonably related to mitigating any anticipated detrimental effects.

Alan Malan asked about chemicals being used with the diesel-powered generator on site. Mr. Huffman stated that the generator will only run about a half hour every week during business hours unless there is a major power outage. Steve Maughan explained that chemicals will be stored safely within the building. The chloride will be stored in two 150 lb. cylinders mounted on the wall with the equipment. In addition, there will be 4 to 6 fluoride containers. Within the structure there is a well room, a fluoride room and a chlorine room. Mr. Maughan noted that chloride dissipates quickly and is not dangerous at the 150 lb. capacity except to those that handle it. All safety measures will be in place with the handling of the chemicals. Mr. Maughan also noted that there are sensors in place that connect to the SCADA system. There will be 400 gallons of fuel in steel containment onsite and there is an area for off road pull in of the trucks delivering chemicals.

Some discussion took place regarding the possibility of having a public water spigot. It was explained that the pump will not always be on and water can only be made available when the pump is running. After consultation with Centerville, who offers these services many problems were identified including the risk of the city being sued.

Action Taken:

Corey Sweat moved to approve the conditional use application for West Bountiful City's 400 North Viaduct Well House with the following findings and conditions, as noted in the March 9th meeting.

- ***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,***
- ***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;***
- ***Accompanying improvements will not inordinately impact schools, utilities, and streets;***
- ***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;***
- ***The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;***
- ***The proposed use will conform to the intent of the city's general plan; and***
- ***The following 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.***

1. *Limit hours of construction operation to work between 7:00 AM start and 10:00 PM stop.*
2. *Construction parking will be limited to on site and on the north side of the street.*
3. *Generator maintenance of the well can only run during normal business hours.*

Dee Vest seconded the motion and voting was unanimous in favor.

6. Discuss Height Regulations and Setbacks in Residential Districts for Public Hearing on April 13

Commissioner packets included a memorandum date March 19, 2021 from staff regarding Review of Height Regulations in Residential Zones with a redline copy of the draft to be considered.

Cathy Brightwell noted that the current draft incorporates the previously discussed changes and proposed standards the city engineer can use to determine allowance of additional height are provided below for discussion.

Kris Nilsen reviewed some of the conditions and standards that staff is proposing. He noted that lot-specific determinations for additional height can be added as follows: maximum of 2 ft in the R-1-10 zone, 3 ft. in the R-1-22 zone, and 4 ft. in the A-1 zone based on the following:

1. In the case where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height may be added that is less than or equal to the elevation difference.
2. In the case where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33% and shall not exceed one foot of height for every 30 feet of additional horizontal setback.
3. In the case where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve a minimum of two feet of separation between the ground water surface elevation and the main floor elevation.
4. In the case where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection. Additional height may be added based on a slope of 2.00% and shall not exceed one foot of height for every 50 feet of additional horizontal distance.
5. In the case where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added

based on a slope of 1.00% and shall not exceed one foot of height for every 100 feet of additional horizontal distance.

6. In the case where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.

Cathy Brightwell explained the language that was added to code for height of structures. Kris Nilsen said he has tried different scenarios using this process and noted it worked well in every situation.

Ms. Brightwell also noted that the R-1-10 language currently restricts accessory structures from being taller than the main structure on a property. This can pose a problem for single level homes. After discussion, it was decided to remove that restriction as the height regulations will ensure buildings cannot be too tall.

Chairman Malan suggested that all charts be part of the final document. In the A-1 zone, a 3 foot setback for fire-rated walls can be used on buildings less than 20 feet. For anything over 20 feet, the setback will be 10 feet.

Staff will update the draft and have the document ready for the public hearing on April 13th.

7. Staff Report

Kris Nilsen:

- Pre construction meeting for Pickle Ball with construction starting next week.
- Road project contract for Porter Lane have gone out to contractors.
- Wellhouse project could start by mid-April.

Cathy Brightwell:

- With the reduction in COVID-19 numbers and the large number of vaccinated people, the mayor is considering going back to in-person meetings in mid-April to May. Chairman Malan would like to consider it for the April 13th public hearing and meeting. Zoom may still be an option for those who do not feel comfortable meeting at the anchor location.
- Need to set a joint meeting with City Council to discuss ADU's and some conditional use issues along with legislative changes. Mr. Malan would like it to be separate from the regular meeting and suggested April 27th. Corey Sweat would like a review regarding the PUD ordinance as we prepare for Brookside Ranch.
- Mike Cottle commented on a letter he received from Bud Ingles on 1100 West regarding possible damage to his property from a neighbor's heavy equipment. Staff is addressing the situation.

7. Consider Meeting Minutes from March 9, 2021

Action Taken:

Laura Charchenko moved to approve of the minutes of the March 9, 2021 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

8. Adjourn

Action Taken:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:00 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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

Cathy Brightwell

Cathy Brightwell – City Recorder

