

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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Chairman
Alan Malan

Commissioners
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, SEPTEMBER 28, 2021, AT THE CITY OFFICES**

AGENDA:

1. Prayer/Thought by Commissioner Cottle.
2. Accept Agenda.
3. Public Hearing Adding Landscape Supply as a Permitted Use to the
Agricultural Specialty (A-S) Zone.
4. Consider Adding Landscape Supply as a Permitted Use to the A-S Zone.
5. Staff report.
6. Consider Meeting Minutes from September 14, 2021.
7. Adjourn.

*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website
and the City's website on September 24, 2021 by Cathy Brightwell, City Recorder.*

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NOTICE OF PUBLIC HEARING

A public hearing will be held at city hall on Tuesday, September 28, 2021, beginning at 7:30 p.m. by the West Bountiful Planning Commission.

The purpose of the hearing is to receive public comment regarding a proposal to add Landscape Supply Uses to the Agricultural Specialty (A-S) Zone. More information can be found under the Public Notice tab at www.WBCity.org.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Planning Commission

DATE: September 24, 2021

FROM: Staff

RE: Agricultural Specialty (A-S) Zone – Text Change

History

Sinc Constructors Co. has arranged a temporary lease of 2.25 acres of South Davis Sewer District (SDSD) property within West Bountiful for the mixing, blending, and stockpiling of select topsoil. Of necessity, this mixing and blending needs to be done in a controlled (dry) environment, free from water, rain, snow, ice or other adverse environmental conditions. They plan to install 1-2 temporary agricultural structures covering about 1-acre for this use. Additional activities may also include 1) providing fill on the site, 2) grading or leveling the property, 3) leaving a stockpile of topsoil for future landscaping, 4) landscaping, 5) storm water control, and 6) nursery or other agriculture operations.

As discussed at the September 14 planning commission meeting, the proposed use does not currently fit within the zone and a conditional use as a quasi-public entity does not apply as the work will not be done by or for SDSD.

Proposal

Based on the discussion at the previous meeting, staff believes adding “Landscape Supply” as a new permitted use to the A-S zone, along with associated regulations and definition, will be the most efficient way to solve the problem.

See attached redline draft.

17.14 Agricultural Specialty District, A-S

17.14.010 Purpose

17.14.020 Permitted Uses

17.14.030 Conditional Uses

17.14.040 Area And Frontage Regulations

17.14.045 Every Dwelling To Be On A Lot; Exceptions

17.14.050 Yard Regulations

17.14.060 Height Regulations

17.14.070 Density

17.14.080 Farm Animal Regulations

17.14.090 Landscape Supply Regulations

17.14.010 Purpose

The purpose of the A-S agricultural specialty district is to promote and preserve in appropriate areas conditions favorable to agriculture and maintaining greenbelt open spaces. This district is intended to include activities normally and necessarily related to agricultural use, and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is intended to allow associated residential uses, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

17.14.020 Permitted Uses

The following uses are permitted in the A-S agricultural specialty district:

- A. Agricultural;
- B. Single family dwelling;
- C. Farm Animals;
- D. Home Occupations;
- ~~E.~~ E. Accessory dwelling units (ADU);
- ~~E.F.~~ E.F. Landscape Supply;
- ~~F.G.~~ F.G. Medical cannabis pharmacy, as defined in Chapter 17.62; and
- ~~G.H.~~ G.H. Cannabis production establishment, as defined in Chapter 17.62.

17.14.030 Conditional Uses

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

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
- D. Flag lots;
- E. Kennels (pursuant to Chapter 5.28 Home Occupations), and ;
- F. Restricted Lots (see definitions, Section 17.04.).

17.14.090 Landscape Supply Regulations

- A. The outdoor storage regulations in Chapter 17.92, and specifically as applied to the C-H Zoning District, shall apply.
 - B. Topsoil preparation, landscape rock preparation, or other processing activities must occur in an enclosed structure.
 - C. Outdoor lighting on the site must be downlighting, with no light fixture at a height greater than 20 feet.
 - D. Deliveries and exports of soil, gravel, and rocks must be covered loads.
 - E. A SWPPS plan must be submitted at time of business license application.
 - F. No processing or deliveries on the site shall be allowed before 7:00 am or after 10 pm.
-

17.04.030 Definitions

“Landscape Supply” is a business that provides landscaping services and supplies, including trees, shrubs, flowering plants, groundcovers, sod, mulches (organic and inorganic), landscape rock, topsoil preparation, and landscape rock preparation.

South Davis Sewer District



Legend

STATE FISH & GAME

BOUNTIFUL CITY CORP
SEWER DIST.

SEWER DIST.

STATE F&G

SEWER DIST.

SEWER DIST.

NATURE CONSERVANCY

ENTRANCE

7 ACRE PARCEL / SITE

2.25 AC

FUTURE
BIOLOGICAL
TREATMENT

2.5 AC

FUTURE
CONSTRUCTION

STAGING
AREA

2.25 AC

TEMPORARY
STRUCTURE

TEMP. BLDG.

FRONTAGE ROAD

UDOT

700 ft

500 ft



West Bountiful City

September 14, 2021

Planning Commission Meeting

PENDING – NOT APPROVED

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 September 10, 2021, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 14, 2021, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Dee Vest, Corey Sweat, Laura Mitchell, Council member Kelly Enquist.

STAFF ATTENDING: Duane Huffman (City Administrator), Kris Nilsen (City Engineer), and Debbie McKean (Secretary)

EXCUSED: Commissioner Mike Cottle, Cathy Brightwell (Recorder)

VISITORS: John Janson, Jake Young, Steve Sowby, Mike Sowby, Tom Williamson, Jay Larsen, Stephen Sonkens, Betty Vowles

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

1. Prayer by Commissioner Dee Vest.

2. Accept Agenda

Corey Sweat moved to approve the agenda striking Agenda item 8- Commission Training. Laura Mitchell seconded the motion. Voting was unanimous in favor among all members present.

3. Public Hearing- Housing in Certain Commercial Areas Overlay Ordinance- WBMC 17.42

Kris Nilsen introduced WBMC 17.42- Housing in Certain Commercial Areas Overlay ordinance and invited the public to respond with their comments or concerns on the redline draft provided this evening.

Action Taken

Corey Sweat moved to open the public hearing for public comment at 7:35 pm. Dee Vest seconded the motion and voting was unanimous in favor.

Public Comments:

Tom Williamson, President of Chasebrook (Gateway Shopping Center), owns property on 500 West/500 South and stated that he is seeing that mixing retail and residential is becoming very successful and allows flexibility in situations where online shopping has reduced sales. He supports the cities proposal.

Action Taken

Laura Mitchell moved to close the public hearing. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Consider New Ordinance, WBMC 17.42- Housing in Certain Commercial Areas Overlay

A redline copy of Ordinance WBMC 17.42 that incorporates comments from previous meetings was presented for final review and approval. The copy has been reviewed by staff, consultants, and Steve Doxy. Staff and consultants John Janson and Jake Young are available for questions.

The commissioners reviewed the draft page by page and questions and concerns were addressed.

On page 7, paragraph 3, #6, Commissioner Sweat recommended that the requirement for 10% electric vehicle charging facilities be removed. He is concerned that the number being required far exceeds the current number of electric vehicles on the road. John Janson noted that the goal is to look forward as the future will likely demand more charging capabilities and 10% is a current standard. Mr. Sweat suggested a specific number not be required as part of the ordinance but encouraged with the specific number to be discussed and decided as part of a development agreement. Council member Enquist suggested that infrastructure/conduit could be required so that wiring can be easily completed as needed. After some discussion, it was decided that the ordinance would include the requirement to have vehicle charging infrastructure in place for 10% of the units and the total number of working charging stations would be decided as part of a development agreement.

Action Taken

Laura Mitchell moved to approve and forward to city council the proposed WBMC 17.42- Housing in Certain Commercial Areas Overlay with a change on Page 7, #6 strongly encouraging vehicle charging stations in garages and carports with the actual number to be addressed in a development agreement. Ten percent of garages and carports will be required to include infrastructure for electric vehicle charging stations. Corey Sweat seconded the motion and voting was unanimous in favor.

5. Request for Conditional Use Permit by South Davis Sewer District to Install a Temporary Structure to Mix, Blend, and Stockpile Select Topsoil on the East Portion of Parcel #06-031-0300.

Commissioner packets included a memorandum dated September 10, 2021, from Staff regarding South Davis Sewer District's (SDSD) request for a conditional use permit to allow the mixing, blending, and stockpiling of select topsoil on 2.25 acres of their property. A temporary structure, as shown on the site plan, will be necessary to provide a controlled (dry) environment, free from water, rain, snow, ice, or other adverse environmental conditions. Additional activities may also include 1) providing fill on the site, 2) grading or leveling the property, 3) leaving a stockpile of topsoil for future landscaping, 4) landscaping, 5) storm water control, and 6) nursery or other agriculture operations.

Duane Huffman introduced the proposal from SDSD and requested that the item be pulled from consideration so that staff can figure out how best to process the request. A conditional use application as a quasi-public entity for this request does not apply since the activities will not be conducted by SDSD but instead a contract provider, Sinc Construction. There are no other uses, either permitted or conditional, listed in the A-S zone that apply to the request. The definition for agricultural uses are very specific to animals and the production of food. He noted that additional uses could be created to address this situation.

Mr. Huffman invited the applicant to present their proposal until more research can be done on how to process the request. He stated that staff has no concerns about the project but needs to work through legal issues to process the request.

Steve Sowby took the stand and introduced himself as the engineer for Sinc Construction. He showed the Commissioners pictures of the project and noted that the process of creating perfect topsoil will be completely enclosed in a large tent-like structure. The temporary structure will be 73 feet wide, 250 feet long, and 34 feet high – the size of half a football field and will go through the building permit process (there could be two structures). The main use will be processing, mixing, blending, hauling, and stockpiling topsoil. Trucks will go inside the structure limiting noise and dust, etc. and traffic will go unnoticed. He noted that there will be other uses like making road base for the SDSD's future algae project. They have a 3 year lease but SDSD may want structure to remain after project is done. This type of topsoil is used mainly on buildings that need a lightweight soil. The main customer they would service at this time is the Church of Jesus Christ of Latter-Day Saints. Mr. Sowby said he would be supportive of a text change in our current ordinance but is not in favor of a zone change because that could affect the Sewer District's future activities.

Some discussion took place regarding ideas for how to resolve this issue in a timely way. There is a preference to create a permitted use that fits the situation rather than conditional use.

Action Taken:

Corey Sweat moved to table item #5 until further research can be done by staff. Laura Mitchell seconded the motion and voting was unanimous in favor.

6. Staff Report

Kris Nilsen:

- 400 North well is awaiting the block to be delivered for the structural building.
- Public Works building is about 50% planned.
- Shade structures are here for the pickle ball court.

Duane Huffman

- The fence ordinance is being reviewed by the City Council and tweaks are being made.
- Ivory Homes is interested in purchasing and developing the entire Plum property on the west side, not just the portion they have currently purchased. There will be a mass dumping of dirt on the property and the city will monitor the traffic and activity during that time. All loads will be covered.
- The Smith property that includes property in both Woods Cross and West Bountiful has been purchased and they will need to come to our city to have discussion about their development plans.
- Wood Cross city will be getting a new city administrator in a month and a new mayor in January.

7. Consider Meeting Minutes from August 24, 2021.

Action Taken:

Dee Vest moved to approve of the minutes of the August 24, 2021, meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

8. Commission Training- Training was postponed due to Cathy Brightwell being excused from this meeting.

9. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:30pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on August 6, 2021, by unanimous vote of all members present.

Cathy Brightwell – City Recorder