

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
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest
Dell Butterfield, Alt.

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, OCTOBER 11, 2022, AT THE CITY OFFICES**

AGENDA:

1. Prayer/Thought - Commissioner Mitchell
Pledge of Allegiance – Commissioner Malan.
2. Confirm Agenda.
3. Request for Rezone and Text Change - Bill Goldberg.
4. Non-Residential Accessory Structure Agreement Discussion.
5. Consider Meeting Minutes from September 13, 2022.
6. Staff report.
7. Adjourn.

*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website
and the city website on October 7, 2022, by Cathy Brightwell, City Recorder.*

West Bountiful City
Planning Commission Meeting

October 11, 2022

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 October 7, 2022, per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 11, 2022, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Laura Mitchell, Mike Cottle, Dell Butterfield, and Council member Kelly Enquist.

MEMBERS EXCUSED: Corey Sweat, Dennis Vest.

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) and Debbie McKean (Secretary).

VISITORS: Richmond Thornley

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

1. **Prayer by Commissioner Mitchell
Pledge of Allegiance- Commissioner Malan**
2. **Confirm Agenda**

Chairman Malan reviewed the proposed agenda. Mike Cottle moved to approve the agenda as presented; Laura Mitchell seconded the motion. Voting was unanimous in favor among all members present.

3. **Request for Rezone and Text Change- Bill Goldberg**

Commissioner packets included a memorandum dated October 9, 2022, from Staff regarding a Request for Rezone and Text Change from Bill Goldberg at 1390 West 1200 North including an application and an exhibit that lists how he believes this request will benefit the city, citizens, and property owner.

Cathy Brightwell introduced the application submitted by Mr. Goldberg. She stated that he would like to provide vehicle storage services on his property (indoor and outdoor) and provide some vehicle repair services. His request seeks a rezone of his property from A-1 to Light Industrial (L-I) with a text change, if necessary, for Outdoor Vehicle Storage Overlay (OVSO). Ms. Brightwell offered additional history.

- This property was annexed into West Bountiful by the current property owner in 2019.
- At time of annexation, this property was zoned by the city as A-1.
- The property is a flag lot.
- The requested annexation was due in part to the property owner's desire to build a new structure. This also involved the city creating the new Non-Commercial Structure use.
- The new requested uses are not permitted in the A-1 zone.

- The OVSO is currently permitted only in the B-U zone and is limited to uses allowed in the underlying zone (A-1).
- In discussions with Mr. Goldberg, it appears he does not care which zone to apply to his property as long as the proposed uses are allowed. He has asked to bring this issue to the Commission so the request and any suggested options can be discussed.

Staff Review and Recommendations:

In reviewing this request, staff recommended that the commission consider the following:

1. It may be appropriate to request more details from the applicant regarding the intended use of the property, e.g., potential site plans, access, details on the scope of business, traffic, etc.
 - a. WBMC 17.92.010 states explicitly that: Outdoor storage facilities for "automobile graveyards," "tow yards," "salvage yards," "junk," "junk dealers," "scrap metal processors" and "junkyards" are prohibited.
 - b. Vehicle storage is limited to vehicles currently for sale and the newly created Outdoor Vehicle Storage Overlay (OVSO). However, general car repair is a use within the L-I or potentially C-H zones. Therefore, it does not appear that the combination of vehicle repair and storage is compatible in any existing zone. Mr. Goldberg's solution to this is to amend the new OVSO code to make it eligible in the L-I zone.
2. In reviewing potential zone changes in this area, the commission should:
 - a. Review the request in light of the city's General Plan.
 - i. This property is in the area that the city has designated to preserve agricultural uses.
 - ii. The Plan also states that "Commercial development will be concentrated along major transportation corridors."
 - b. Consider all other permitted and conditional uses in the proposed zone to ensure that they are compatible and desired in the area. This would include considering the impact of adding the OVSO to the L-I zone and how that could impact areas along 500 South.
 - c. Consider the impact on neighboring existing properties.
 - i. The city's new public works facility is directly to the west of the property. A public facility is a conditional use in all zones and should not be the sole determinate for the zoning of adjacent properties.
 - ii. Residential property exists in front of the property under consideration (it is a flag lot) and directly across the street to the south on 1200 N, which appears to be the only access to Mr. Goldberg's property. There was previously a legal non-conforming auto repair business on the southside of 1200 N (Tracy's); however, this business has not operated for many years and has lost its legal status.
 - iii. The properties to the east and north are in unincorporated Davis County. They are within the city's annexation plan, and their zoning will be determined at time of annexation. The General Plan currently envisions these properties as being zoned A-1.

Commissioner Discussion:

Mr. Goldberg was not present this evening for this agenda item discussion. Commissioners had questions they would have liked to ask him in addition to the information proposed this evening.

With the limited information provided, Commission Mitchell was not in support of changing the zone or making an overlay zone amid the A-1 zone that presently exists. She also opposed any text changes suggested.

Commissioner Sweat was unable to attend the meeting but had emailed comments stating he was not supportive of the change. Commissioners Cottle and Butterfield agreed.

Chairman Malan asked staff to contact Mr. Goldberg and request more information including a site plan showing where vehicles will be stored, indoor and outdoor, and where auto repairs are proposed.

A public hearing will be scheduled for the next meeting, October 25, 2022.

4. Non-Residential Accessory Structure Agreement Discussion.

Commissioner packets included a memorandum dated October 7, 2022, from Staff recommending a Non-Residential Accessory Structure agreement when issuing a building permit for accessory structures with a redlined copy of proposed changes to WBMC Chapter 17.82.

Background

Cathy Brightwell introduced this item for discussion regarding the city's accessory dwelling unit (ADU) regulations requirements as ADUs to be internal to or attached to the primary structure. She stated that property owners who apply for an ADU must sign an agreement acknowledging that they understand the regulations and agree to comply. This agreement is recorded on the property to ensure that future owners are aware of the restrictions.

Ms. Brightwell explained that the city has encountered situations where building permits for accessory structures that did not include any plans for living quarters have resulted in the construction of an illegal detached ADU. Elements such as bathroom and/or cooking facilities, and designs for overnight accommodations are not prohibited in accessory structures, but their inclusion makes the possibility of an illegal ADU much higher. Additionally, in many situations involving illegal detached ADUs, the owner claims they did not know detached ADUs were prohibited.

Recommendation for Discussion

In an attempt to address this problem, staff is proposing a Non-Residential Accessory Structure Agreement be required when a building permit is issued for accessory structures in residential areas. This agreement will be recorded on the property to confirm that current owners understand the rules and future owners are aware of the restrictions.

Mr. Doxey has prepared modifications to the ADU regulations (WBMC 17.82) that include two options. Option 1 requires the Agreement only for accessory structures that contain bathroom and/or cooking facilities or appear designed for overnight accommodations. Option 2 requires the Agreement for ALL Accessory Structures, which is staff's preference.

Commissioners' discussion: Chairman Malan opposes the proposal and believes the only thing that it will do is increase the cost of the building permit and will not stop illegal ADU's. Cathy Brightwell responded that no additional costs or fees will be incurred by the property owner. The agreement will be a simple

document that will make code enforcement easier especially when a property owner denies knowledge of the regulations, and more importantly make future buyers aware of the restrictions.

Commissioner Cottle was asked if having the restriction on a title report would be an effective way for future buyers to know about the regulations. He responded that in his experience as a realtor, items on a title report are a very good way to ensure information is seen by a buyer as this document is reviewed prior to completing a sale. The intent is to provide protection to buyers. Commissioner Butterfield agreed that conditions listed on title reports are important from his experience with his HOA.

Council member Enquist stated that the issue of detached ADUs has been discussed at the legislature and he would not be surprised if they direct cities to allow them at some point in the near future.

Commissioners Mitchell, Cottle and Butterfield supported the staff's Option 2 proposal.

A public hearing will be scheduled for the October 25, 2022, meeting.

5. Consider Meeting Minutes from September 13, 2022

Action Taken:

Laura Mitchell moved to approve the minutes from September 13, 2022, as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

6. Staff Report

Cathy Brightwell:

- Loveland Gardens, on Pages Lane, has requested annexation to our city. Cathy explained the process and what will happen.

Kris Nilsen:

- The Denise Montgomery property on 400 North was listed for sale. Kris explained how she wants to divide the property and options to provide access to public roadways to avoid landlocking the area. This item is scheduled to be on the next agenda.
- Ivory Homes is still working on conditions for their final plat which was approved by city council.
- The Public Works building construction is moving along quickly.
- 400 North well is completed with fluoride and chlorine. The city is not pumping from it. They are first using the remaining Weber Basin allotment.

Commissioner Comments:

- Laura Mitchell reported that she has received comments suggesting the city not hold a 3 day clean up on Fall Break weekend, especially now that the clean-up schedule only includes one Saturday.
- Alan Malan proposed getting rid of the green patch in the turn around at the end of 1200 North Legacy Trailhead stating that it creates too tight of a turn and is not necessary.

7. Adjourn.

Action Taken:

Mike Cottle moved to adjourn the regular session of the Planning Commission meeting at 8:45 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on October 25, 2022, by unanimous vote of all members present.

Cathy Brightwell – City Recorder