

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 25, 2022, AT THE CITY OFFICES**

AGENDA:

1. Prayer/Thought - Commissioner Sweat;
Pledge of Allegiance – Commissioner Cottle.
2. Confirm Agenda.
3. Conditional Use Application for SH Excavation at 1465 N 1100 West – Spencer Hughes.
4. Request to Rezone the Property at 1390 W 1200 North from A-1 to L-I or C-H – William Goldberg.
 - a. Public Hearing.
 - b. Consider Request.
5. Non-Residential Structure Agreement for Accessory Structures – City Staff.
 - a. Public Hearing
 - b. Consider Proposal.
6. Consider Meeting Minutes from October 11, 2022.
7. Staff report
 - a. November 8 meeting is canceled for General Election; November 22 meeting is canceled for Thanksgiving holiday; A meeting may be held on November 29, if necessary.
 - b. Engineering (Kris Nilsen)
 - c. Community Development (Cathy Brightwell)
8. 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 21, 2022, by Cathy Brightwell, City Recorder.

West Bountiful City
Planning Commission Meeting

October 25, 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 21, 2022, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 25, 2022, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Corey Sweat, Dennis Vest, Laura Mitchell, Mike Cottle, Dell Butterfield (Alternate), and Council member Kelly Enquist.

MEMBERS EXCUSED:

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

VISITORS: Richmond Thornley, Deby Marshall, Bill Goldberg

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

1. **Prayer by Commissioner Sweat
Pledge of Allegiance- Commissioner Cottle**
2. **Confirm Agenda**

Chairman Malan reviewed the proposed agenda and explained the request to remove item 3 by the applicant. Mike Cottle moved to approve the agenda with the deletion of agenda item #3. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

3. **Conditional Use Application for SH Excavation at 1465 North 1100 West- Spencer Hughes**

This agenda item has been moved to the next scheduled Planning Commission meeting due to Spencer Hughes being ill.

4. **Request to Rezone the Property at 1390 West 1200 North from A-1 to L-I or C-H by William Goldberg**

Commissioner packet included a memorandum from staff dated October 21, 2022 regarding a request for a rezone/text change for Bill Goldberg at 1390 W 1200 North, with a rezone request application and exhibits, including an exhibit to support the request that lists how he believes this will benefit the city, citizens, and property owner. A public hearing is required on this request and notice has been properly given to surrounding neighbors.

Ms. Brightwell explained that Mr. Goldberg would like to provide vehicle storage services on his property, both inside his outbuildings and outdoors, and provide some vehicle repair and restoration services. She noted that this property was annexed into West Bountiful by Mr. Goldberg in 2019, and at the time of annexation, was zoned by the city as A-1. The requested annexation was due in part to the property owner's desire to build a new structure which the county would not allow. One result of

the construction of a new structure to store his vehicles was that the city created the new non-Commercial Structure use and Mr. Goldberg signed an agreement that he would not conduct business in the building.

Mr. Goldberg's request seeks a rezone of his property from A-1 to Commercial Highway (C-H) or Light Industrial (L-I) with a text change for Outdoor Vehicle Storage Overlay (OVSO) or any other zone that will allow the proposed uses. The uses he is requesting are not permitted in the A-1 zone. The OVSO is permitted only in the B-U zone and limited to uses allowed in the underlying zone (A-1).

A. Public Hearing:

Action Taken:

Laura Mitchell moved to open a public hearing at 7:33 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

Public Comment:

No public commented.

Action Taken:

Laura Mitchell moved to close the public hearing at 7:34 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

B. Consider Request:

Mr. Goldberg took the stand. He noted the painting on the wall behind the Commissioners of an iconic barn with the American flag. He said it is the McPolland Ranch that belonged to his uncle and is located at the entrance of Park City. He also commented on some specifics to the area regarding his family.

Mr. Goldberg gave a brief history of the property. He stated that the use has not changed since the beginning of his ownership in 1972 and he does not expect it to change in the future. He explained that he would like to use it to charge for restoring older vintage vehicles. This is necessary so he can earn income to contribute to the taxes he must pay for the property which have become exorbitant. The RV's he currently stores for free are friends and family members and he would like to begin to charge them for storage services. He explained that the land is not agricultural – nothing grows as it is a salt bed and they have tried to have horses, pigs, etc. but they all failed. Additionally, the residential use of the land no longer exists due to the city's industrial building next door. He does not believe anyone would want to build a dream home on the property. If he was able to earn some income on the land, he could do some upgrades on the property to make it look even nicer than it does now. He needs the ability to collect rent legally. He wants everything to be above board and is willing to do whatever that takes.

Commissioners reviewed the zoning map to see the zoning of surrounding properties. Cathy Brightwell explained the different areas and zones on the map noting the county properties and city boundaries. She explained that he is asking for a commercial rezone because there is no home on the property, so he does not qualify for a home occupation license.

Commissioner Sweat stated that he has no desire to rezone the property as any change would impact other areas in the city in the same zones. Nor does he have any desire to create a new zone or overlay

for a single property. Commissioner Mitchell concurred. She pointed out that the property could be used for agricultural or residential uses like surrounding properties that have homes and animals.

Commissioners Cottle, Vest, and Butterfield also shared their feelings and concerns which were similar to the comments provided by Mr. Sweat and Ms. Mitchell, and not supportive of the request.

Mr. Goldberg asked the commissioners to put themselves in his shoes. He needs a way to do something with his property that will bring in some income to help with the costs of owning the land. He said he feels like he has continually been denied things by the city (and county) that others have been allowed to do, including being forced to annex into the city by the county and issues related to 400 North construction. He said he feels that he is being singled out and discriminated against.

Mike Cottle responded that the commission's decision is not unique to Mr. Goldberg, they have historically not approved requests for rezones of this kind.

Dennis Vest stated that his vote has nothing to do with Mr. Goldberg personally but is based on what he believes is in the best interest of the city and citizens.

Councilmember Enquist concurred that this is not a personal issue towards Mr. Goldberg and the people he referred to as having a grudge against him years ago are no longer with the city.

Cathy Brightwell explained that if the commission votes to deny the request, Mr. Goldberg can move it to the city council for consideration.

Action Taken:

Corey Sweat moved to deny the request of William Goldberg to Rezone the property at 1390 W 1200 North for two reasons: 1. The future negative effects of a commercial property in the middle of a residential/agricultural zone, and 2. The effects it will have across the board for all properties within the current A-1 and C-H Zones. Mike Cottle seconded the motion, and a roll call vote was taken:

Mike Cottle- Aye

Corey Sweat- Aye

Alan Malan- Aye

Laura Mitchell- Aye

Dennis Vest- Aye

5. Non-Residential Structure Agreement for Accessory Structures- City Staff

Commissioner packets included a memorandum dated October 21, 2022, from staff regarding a Non-Residential Structure Agreement for Accessory Structures with an attached redline copy of suggested changes to WBMC 17.82.

Cathy Brightwell explained that the city's accessory dwelling unit (ADU) regulations require ADUs to be internal to or attached to the primary structure. Property owners that apply for an ADU must sign an ADU 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.

The city has encountered situations where building permits for detached accessory structures include elements such as bathroom and/or cooking facilities or appear designed for overnight accommodations. These elements themselves are not prohibited in accessory structures, but their inclusion makes the possibility of an illegal ADU much higher. Additionally, in many situations involving illegal ADUs, the homeowner claims they did not know detached ADUs were prohibited.

Ms. Brightwell said staff is proposing a Non-Residential Accessory Structure Agreement to be required when a building permit is issued for accessory structures. This agreement will be recorded on the property to confirm that current owners understand the rules and future owners are aware of the restrictions. This recordation is not a lien but a way to share information about the property. No fees or charges will be assessed for the Agreement.

A public hearing is required and modifications to the ADU regulations (WBMC 17.82) prepared by Mr. Doxey have been provided for consideration.

A. Public Hearing

Action Taken:

Corey Sweat moved to open a public hearing at 8:21 pm. Laura Mitchell seconded the motion and voting was unanimous in favor.

Public Comment:

- Debi Marshall (400 North) – said he knows of several violations of the ADU ordinance and asked how best to report them. She also asked to clarify what an ADU is and how it can be used.

Action Taken:

Corey Sweat moved to close the public hearing at 8:28 pm. Dennis Vest seconded the motion and voting was unanimous in favor.

A. Consider Proposal

Commissioners and Ms. Brightwell responded to Ms. Marshall's questions. Cathy Brightwell noted that the city does not proactively search out violations but handles them on a complaint basis. She further explained that ADUs are dwellings, sometimes referred to as mother-in-law apartments, that can be rented out subject to certain regulations. Staff believes that recording the Non-Residential Structure agreement with the county ensures transparency to current owners, future buyers, and the city.

Commissioners had no issues with the proposal.

Some discussion took place regarding the pros and cons of detached ADUs. This issue was considered a couple of years ago and it was determined to be controversial at the time. There was concern about allowing two dwellings on one lot. Cathy Brightwell noted some cities have recently begun to allow detached ADUs and the legislature continues to look at ADUs as a way to address moderate income housing.

Commissioners discussed the advantages of proactively addressing the issue of detached ADUs and asked staff to begin researching the issue and bring back proposals for review.

Action Taken:

Corey Sweat move to approve the language change as proposed for Chapter 17.82.040 deleting the language "allowed as a conditional use" and adding a new Section 17.82.050 with related definitions and forward it to City Council for their review and approval. Dennis Vest seconded the motion and voting stood unanimous in favor.

6. Consider Meeting Minutes from September 13, 2022

Action Taken:

Laura Mitchell moved to approve the minutes from October 11, 2022, as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

7. Staff Report

- a. The November 8 meeting is canceled for the General Election. The November 22 meeting is canceled for Thanksgiving holiday. A meeting will be held on November 29 to address item #3 on the agenda and any other necessary items.
- b. **Engineering (Kris Nilsen)**
 - Ivory is under construction and working at their own risk since the final subdivision plat has not yet been finalized and they are still working on the bond agreement. Public Works is keeping watch over the development and construction.
 - Google fiber has started their installation in the southwest part of the city. Steve Maughan is heavily involved in this process.
 - Duane and Kris met with UDOT about results of the comment period for the I-15 Rebuild project from 400 North in Salt Lake to Farmington. The design plans will be completed by 2023 and the whole project by 2026. It is a complete rebuild with 5 lanes going both north and south.
 - 400 North well is good- They have until December to get the permanent operating permit.
- c. **Community Development (Cathy Brightwell)**
 - The Denise Montgomery property sale discussed at the last meeting has fallen through.

Note:

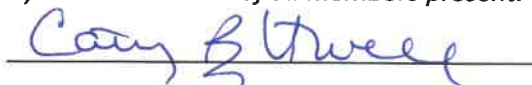
- Mike Cottle reported on a letter from Craig Hammond regarding a property on 660 West that wants to use the building in the back of his property for commercial use. Staff explained what they know of the situation. Cathy suggested that neighbors let the city know of any activity. Richmond Thornley attending the meeting noticed a For Rent sign on that property advertising a building for rent for commercial use.

8. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:25 pm. Mike Cottle seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on November 15, 2022, by unanimous vote of all members present.


Cathy Brightwell - City Recorder

