

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
FAX (801) 292-6355
www.WBCity.org

Chairman
Alan Malan

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

**THE PLANNING COMMISSION WILL HOLD A MEETING
AT 7:30 PM ON TUESDAY, NOVEMBER 15, 2022, AT THE CITY OFFICES.**

THE REGULAR MEETING ON NOVEMBER 22, 2022, HAS BEEN CANCELED.

THE NEXT REGULAR MEETING WILL BE HELD ON DECEMBER 13, 2022.

NOVEMBER 15, 2022, AGENDA:

1. Prayer/Thought - Commissioner Cottle;
Pledge of Allegiance – Commissioner Butterfield.
2. Confirm Agenda.
3. Conditional Use Application for SH Excavation at 1465 N 1100 West – Spencer Hughes.
4. Consider Meeting Minutes from October 25, 2022.
5. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
6. Adjourn.

*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website
and the city website on November 10, 2022, by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commissioners

DATE: November 10, 2022

FROM: Staff

RE: Home Occupation Application for SH Excavation at 1465 N 1100 West (Hughes)

This memo describes the home occupation application for Spencer Hughes excavation business.

Background

SH Excavation, LLC was created and became a business at the end of February 2020. The address shown on state records is 1465 N 1100 West, West Bountiful. The applicant, Spencer Hughes, states that he created this business so he can be hired out as a contract laborer for a large variety of jobs which generally involve excavation. He is contracted out by other companies to either use his equipment or to operate their equipment at various locations. He has a home office in a corner of his entertainment room from which he runs his business.

SH Excavation owns one dump truck he uses as his business vehicle to get to and from jobs, and one excavator and an equipment haul trailer used occasionally. The applicant claims that the majority of the time the dump truck is empty when it leaves and returns to his property. Excavation work is seasonal, so it is used less in the winter. The dump truck is also used for personal work. Currently the applicant has two open building permits – one for a home addition and one for a retaining wall. He states that the truck is used for these projects including sometimes acting as a dumpster.

Objection

The neighbors to the north, Bud and Jeanette Ingles, have expressed concern for some time that the dump truck entering and exiting the property to the north of the Hughes' home has caused damage to the Ingles' home. They believe the vibrations from the truck driving along the property line closest to their home have resulted in cracks in their foundation and they are concerned about future damage to their property. The Ingles are also concerned about other vehicles being used, parked or stored on the property. They want the city to enforce its ordinances. Their written objection including many photographs of the property over the past 3 years is attached, as well as the Hughes' rebuttal.

History

As stated by the Ingles, the city was first made aware of their concerns in 2019 after Mr. Ingles filed a Records Request seeking copies of zoning ordinances, conditional use permits, and/or business licenses for Spencer Hughes. Staff contacted Mr. Hughes and he stated that the equipment coming and going on the property was being used for the construction of the home. Mr. Ingles then asked the city to require Mr. Hughes to move his driveway from the north side of his home to the south,

or to find off-site parking for his truck. The city determined it did not have the authority to require such a change. In 2021, Mr. Ingles sent a letter to the mayor, city council, and planning commission asking for help to solve the problem and encouraging the city to require Mr. Hughes to apply for a business license.

Review

WBMC 5.28.010 defines a home occupation as any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by the city. Section 5.28.040 lists restrictions for home occupations; those relevant to this case are listed below:

- G. The home occupation must be operated entirely within the approved dwelling, except that 25% of a garage or accessory building or structure on the same property may be used, so long as it does not change the residential character of the lot.
- L. The home occupation may not be a nuisance or cause undue disturbance to the neighborhood.
- M. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reasons of color, design, materials, construction, lighting odors, sounds, noise, or vibrations.

A decision on this request is an administrative action that must be decided based on existing regulations. Staff provides the following for consideration:

- 1. Applicant states that other than his home office he does not conduct business on his property. The dump truck is a company vehicle that he drives to and from job sites.
- 2. Applicant states that he has the right to drive his company vehicle onto his property when not at work. He acknowledges that in the recent past, it has been loaded with gravel for his home remodel and retaining wall construction projects.
- 3. Mr. Ingles argues the dump truck associated with his home occupation business has caused a nuisance and vibrations have damaged his home. No proof of the cause of damage has been provided.
- 4. The Hughes have been asked by Mr. Ingles to move their driveway from the north to the south side of their home. The Hughes do not believe that is a viable option.
- 5. The Home Occupation code prohibits businesses that cause a nuisance. The Ingles claim the business is a nuisance; no other neighbors have provided objections to the request.
- 6. WBMC 5.28.040.G requires that all equipment associated with the home occupation business be located in 25% of a garage or accessory structure.

Conditional Use Requirements

The Conditional Use ordinance, WBMC 17.60.040, directs the Commission to approve the conditional use if reasonable conditions can mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards (requirements of the Chapter and all other applicable requirements of the Municipal Code), the conditional use may be denied.

WBMC 17.60.040 also requires the Commission to consider the following findings prior to approving a conditional use.

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;
6. The proposed use will conform to the intent of the city's general plan; and
7. 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.

Possible Conditions

Staff recommends consideration of the following conditions to mitigate possible reasonably anticipated detrimental effects of the proposed use.

Detrimental Effect 1: Ensure Right of Way is not blocked with equipment

1. Dump truck must be parked off-street.

Detrimental Effect 2: Failing retaining wall along access driveway may damage adjacent property.

1. Complete construction of new retaining wall (building permit #1535) no later than June 1, 2023.

Possible Detrimental Effect 3: Loaded truck causes more vibration.

1. Truck must be empty upon entering and exiting property when used for business purposes.
2. Truck loads above the top of truck bed must be covered when used for any purpose.
3. Truck loads limited to 65,000 pounds.

General Home Occupation Standards:

1. Business equipment must be stored in a garage or accessory structure not to exceed 25% of the total building space.
2. No additional business equipment to be added without notice to city for verification of storage limits.
3. No signage for the business.
4. No employees that do not reside in the home.
5. Time of day restrictions?
6. Limit number of trips?



**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: 1465 N 1100 W
NAME OF BUSINESS/USE: SH Excavation
PARCEL NUMBER: _____ ZONE: _____ DATE OF APPLICATION: OCT - 6, 2022
Applicant Name: Spencer Hughes
Applicant Address: 1465 N 1100 W.
Primary phone: _____
E-mail address: Fast crash 5 @ Yahoo - com

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

Home Occupation

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: OCT 6/20 20 Applicant Signature: [Signature]

FOR OFFICIAL USE ONLY	
Application Received Date: <u>10/6/22</u>	Permit Number: <u>22-07</u>
Application Fee Received Date: <u>10/6/22</u>	Fire Inspection Date: _____
Permit Approval: _____	Fire Inspection Approval Date: _____



HOME OCCUPATION BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 West
West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

Please allow 5-7 business days for processing

Applicant Information:

License # (Assigned by City):

1488

Resident/Business Owner's Name: Spencer Hughes

Physical Address: 1465 N 1100 W. West Bountiful UT West Bountiful, UT 84087

Mailing Address, if different than above: _____

Email address: Fast Crash 50@yahoo.com

Primary Phone: 801-867-3481 Emergency Phone: same

Property Owner Name & Contact Info, if different than applicant: _____

Business Information:

1. Name of business: SH Excavation LLC

State ID #: _____

State Sales Tax #: _____

Federal Tax ID #: 84-4827192

Other Required Licenses #: _____

(Depending on type of Business)

2. Describe the proposed business activity: ~~excavation~~ Home - office
To have a computer & printer to send invoices

3. Hours of Operation: 4 to 6 hr a week

4. Name and relationship of person(s) participating in business (must reside at the home):

Wendy Hughes

5. Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:

Entertainment Room, desk, 2x4' with chair

6. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:

none

7. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.

no

8. Will individuals come to your home to obtain any product or merchandise, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain, including frequency.

no

9. If any vehicles or other equipment will be used as part of your home occupation, where will they be parked or stored? yes, ^{Dump} ~~pickup~~ Truck, and a Trailer.

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain, including frequency: ~~no~~ occasionally one excavator.

11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain, including frequency: no

12. If your home occupation is a day care center, nursery, or preschool, please state how many children _____ and caregivers no will be involved in a typical workday. Please attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.

13. Does the proposed home occupation conform with covenants, conditions, and restrictions (CCR's) pertaining to your property? no If no, please explain: _____

Applicant Certification:

I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well.

I acknowledge that before this application may be approved, I must provide notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted.

I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.

I understand the information on this application may be made available to the public pursuant to the Government Records Access and Management Act (UCA 63G-2-101 et seq), unless applicant specifically requests in writing that their personal information remain private.

Date: Sept 13, 2022

Sign Here: 
Applicant

Rec'd 9/13/22

FOR OFFICIAL USE ONLY

Application Fee (\$15) Received: _____

Approval Date: _____

Fire Inspection, if needed: NA

Conditional Use Permit Required: Yes - Pd fee

Health Dept. Inspection, if needed: —

Conditional Use Permit Approved: _____

Neighbor's Notification Complete: See attached

Protests Received: _____

NOTICE TO NEIGHBORS

Date of Notice: July - September

<u>Address</u>	<u>Name</u>	<u>Type of Notification</u>
1515 N 1100 West	Steven & Kelly Whittaker	Talk to in person
1485 N 1100 West	Bud & Jeanette Ingles	Sent a Letter
1051 P.O. 87357 ^{Wood Cross}	Dwayne Hughes	Sent a Letter
1313 N 1100 West Lane Beattie	Lane Beattie	Talk to in person
1394 N 1100 W	Ross Paskett	Talk to in person
231 N Flag Rock	^{on Farmington} J.R. Call	Text and in person
1484 N 1100 West	Mark Slagowski	Talk to in person
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I HEREBY CERTIFY THAT I PROVIDED NOTICE TO THE OWNERS OF PROPERTY WITHIN A 300-FT RADIUS OF MY PROPERTY AS LISTED ABOVE AND LET SAID NEIGHBORS KNOW THEY MAY FILE A WRITTEN PROTEST AT THE CITY OFFICES NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE DATE NOTICE WAS RECEIVED.

Date: Sept. 13, 2022

Sign Here: _____

Applicant

Cathy Brightwell, City Recorder,
West Bountiful City
550 N. 800 W.,
West bountiful, Utah 84087

September 21, 2022

We are responding to Spencer Hughes' Home Occupation Business License Application. Since we do not know what his application may lead to, we have some objections:

Spencer has known since the 1980s that his father's property next door to his residence and his neighborhood is in the A-1 (17.16 Agricultural District) zone. He knew that it does not provide for construction or excavation businesses. With this knowledge, Spencer has been running a residential building construction & excavation business since early 2019, about one year before Covid and before the earthquake. He continued year-after-year in violation of City ordinances.

Attached is a copy of Cathy Brightwell's July 15, 2019 letter documenting that the City had no record of a conditional use permit and that the City had no record of a business license for Spencer. Spencer followed his motto "I can do whatever I want with my property" and did so as if City ordinances did not exist.

We asked the City to enforce ordinances. Some construction equipment harmed our property. We object because of our concern about the future impact of his equipment on us. A win-win would be to work out another way into his yard.

Spencer's business name on his West Bountiful City application is "SH Excavation LLC". He formed SH Excavation LLC in the Utah State Division of Corporations and Commercial Code, and it became "Active" and registered by the Division on 02/25/2020 as a "Residential Building Construction" company located at 1465 North 1100 West.

SH Excavation is the name painted on the doors of Spencer's dump truck. If Spencer's current application is a step that would enable him to operate an excavation company, a "Residential Building Construction" company, out of his 1465 N. 1100 W. address, with trucks, trailers, various excavation equipment, etc., we object. (Attached is a copy of the information provided by the Utah State Division of Corporations and Commercial Code. Attached are pictures of some of his equipment).

Another objection concerns question # 9. It relates to vehicles or other equipment being used, parked, or stored. Spencer has conducted an

excavation business with a pickup truck pulling a trailer hauling excavation equipment in and out of his yard. He has driven his dump truck, sometimes fully loaded, pulling trailers hauling excavation equipment in and out of his property. He has driven other excavation equipment in and out. We object to Spencer's excavation business when it travels over his north driveway. (Attached are some pictures of some of Spencer's equipment).

Road access should be examined. He has one way in and out on 1100 West. Trucks, pulling trailers, pull out and return by backing in. They face more traffic on 1100 West. This includes his dump truck pulling a 20-foot flatbed trailer and sometimes another trailer loaded with equipment. Sometimes his trucks pull trailers as many as 4 and 5 times in one day. Across the street from the Hughes property some visiting the Call home park vehicles in front thereby adding difficulty to his trailer traffic.

Not all trucks pulling trailers out of the driveway have enough room. Since he concreted his driveway to his garage, with elevation differences, his road is not wide enough; trailers have repeatedly hit safety cones in our park-strip, the purpose of cones is to protect others. The landmark railroad tie was hit and pushed forward. The Davis County Surveyor had me attached signs of notice to not touch the railroad tie.

We conclude by asking West Bountiful City to deny Spencer's Home Occupation Business License Application at this time, giving interested persons time to try to work out a solution.

Bud and Jeanette Ingles

SH EXCAVATION LLC

Entity Number: 11674342-0160

Company Type: LLC - Domestic

Address: 1465 N 1100 W Woods Cross, UT 84087

State of Origin:

Registered Agent: SPENCER HUGHES

Registered Agent Address:

1465 N 1100 W

Woods Cross, UT 84087

Status: Active

Status: Active as of 02/25/2020

Renew By: 02/28/2021

Status Description: Current

The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.

Employment Verification: Not Registered with Verify Utah

History

Registration Date: 02/25/2020

Last Renewed: N/A

Additional Information

NAICS Code: 2332 NAICS Title: 2332-Residential Building Construction

<< Back to Search Results

Business Name:

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Andrew Williams

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
Fax (801) 292-6355
www.WBCity.org

City Recorder
Cathy Brightwell

City Engineer
Ben White

Public Works Director
Steve Maughan

July 15, 2019

Mr. Joseph (Bud) Ingles
1485 N 1100 West
West Bountiful, UT 84087

Mr. Ingles,

We are in receipt of your Government Records Access & Management (GRAMA) Request dated July 12, 2019 asking for zoning information and records regarding the property at 1465 N 1100 West. My response follows.

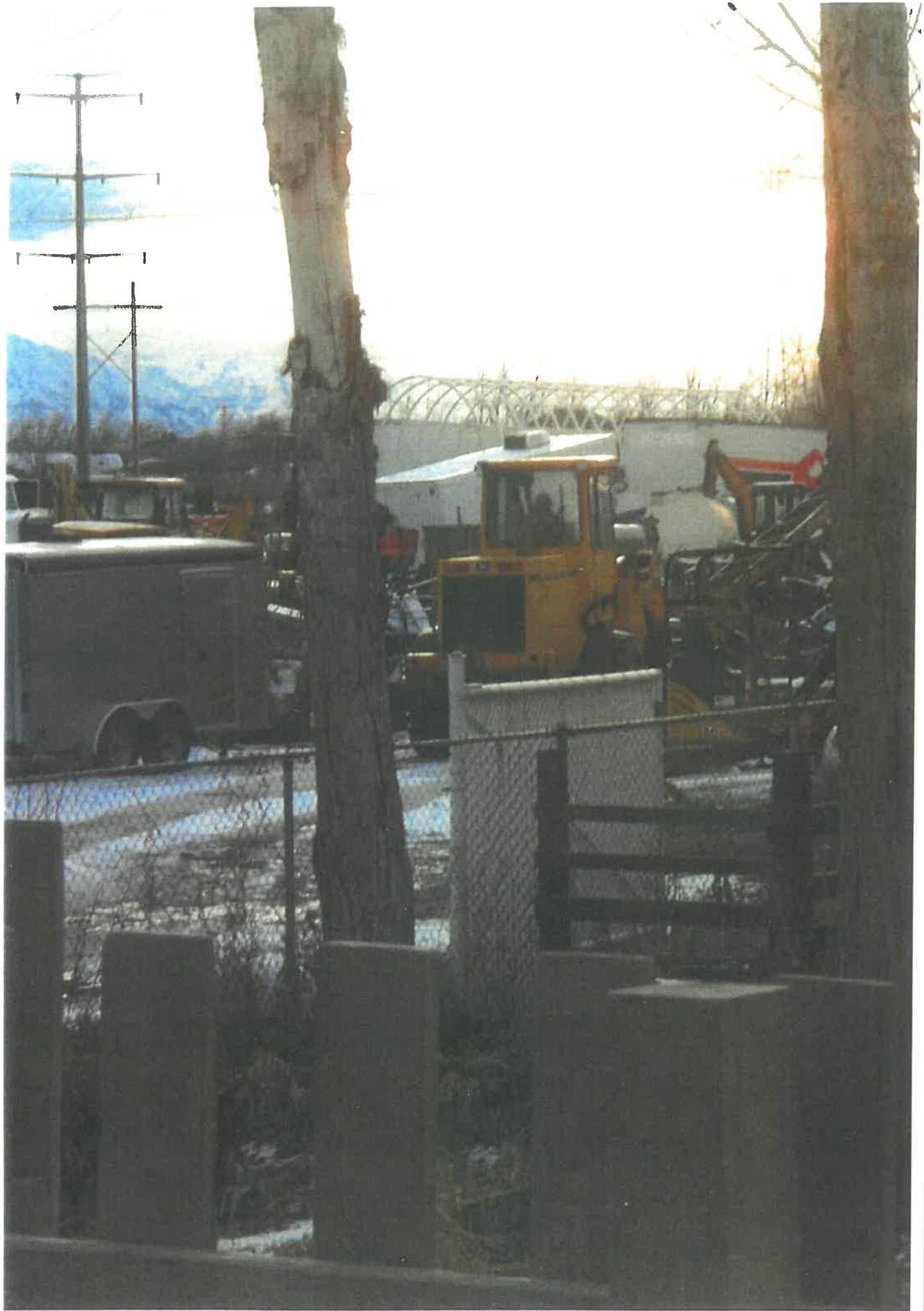
- 1) Zoning ordinance for 1465 N 1100 West - *see attached A-1 Zoning ordinance.*
- 2) Conditional Use permit for Spencer Hughes – *the city has no record of a conditional use permit being issued for Spencer Hughes.*
- 3) Business license for Spencer Hughes – *the city has no record of a business license being issued for Spencer Hughes.*

Please feel free to call me with any questions.



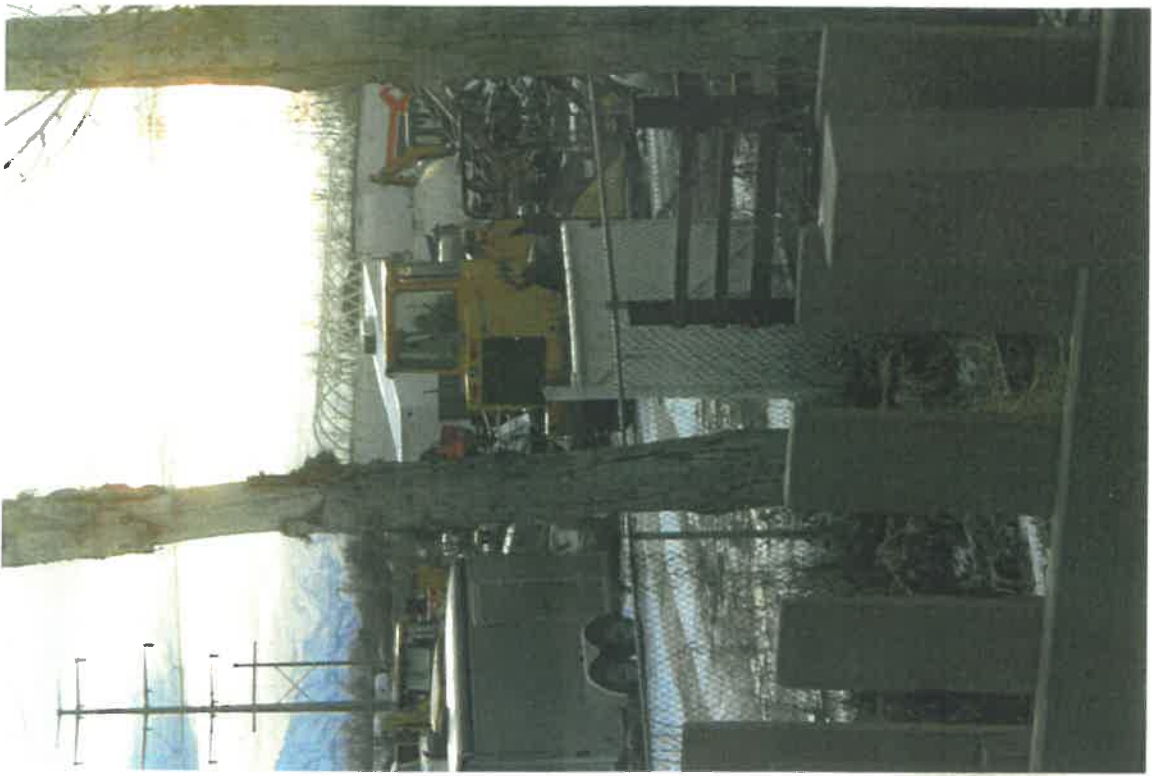
Cathy Brightwell
West Bountiful City Recorder
801-292-4486
CBrightwell@wbcity.org





















UPPER LEFT CORNER:
Spencer's dump truck with trailer attached

RIGHT SIDE::
Parked car across the street from
Spencer's driveway.

UPPER LEFT:
Pile of gravel used in his business.

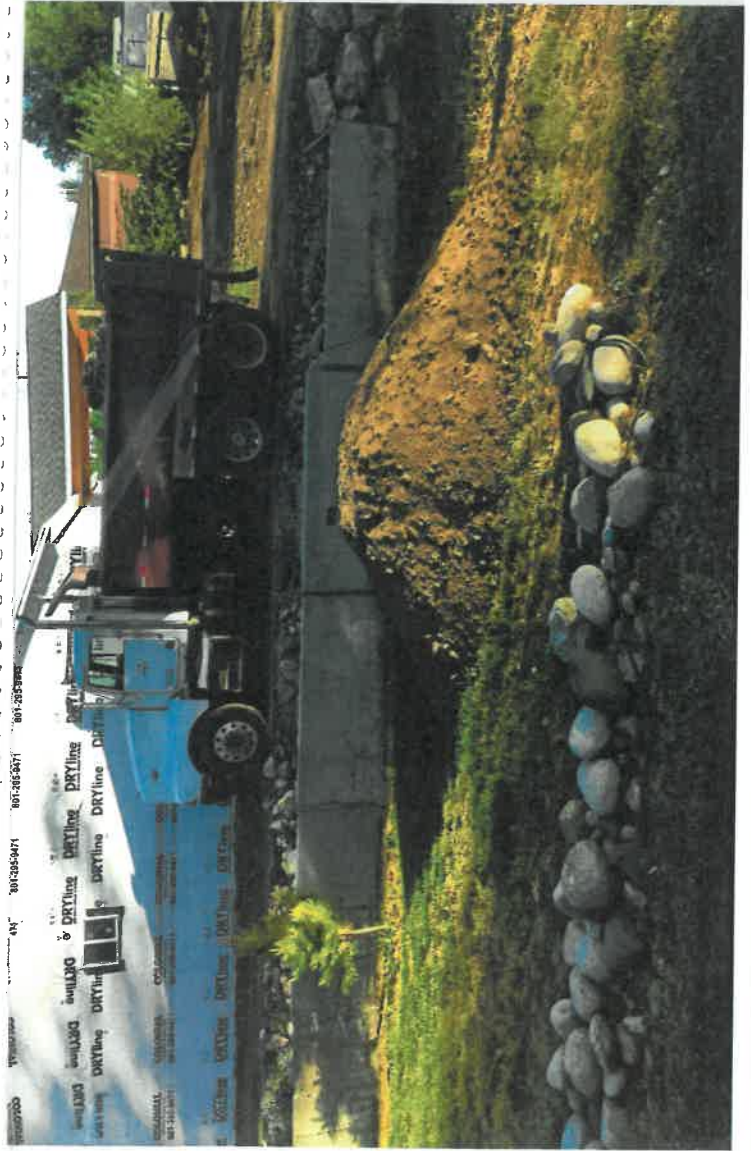
BOTTOM LEFT;
Spencer is loading dirt from a pile
for a job.





UPPER LEFT:
Equipment that was earlier in Spencer's backyard and was moved.

RIGHT SIDE:
He cut our storm drain pipe in our park s



10/6/22

Cathy Brightwell
West Bountiful City Recorder
550 N 800 W
West Bountiful, UT 84087

Dear Cathy –

SH Excavation LLC was created and became a business at the end of February, 2020. This business enables Spencer Hughes (sole employee) to be hired as a contract laborer for a large variety of jobs which generally involve excavation. Spencer is contracted by other companies to either use his equipment, or is hired to operate their equipment at various locations all across Utah. SH Excavation owns one dump truck with the business logo. Excavation business is seasonal. The dump truck does not leave the property during winter. When the dump truck is needed, approximately 90% of the time the dump truck is empty and returns empty at the end of the day. The dump truck is also used for personal current home addition needs such as bringing home gravel for a retaining wall on the North side of the Hughes property and gravel for the driveway. In fact, the dump truck is also used as a dumpster.

We received the information provided by the Ingles and even though much of it is not relevant to our application, we wish to clarify certain things. It appears the main complaint of the Ingles for us to obtain a home occupation business license is that they feel the equipment is damaging their home. Many of the items in the letter are not tied to this request.

There are numerous occasions when the Hughes thought that progress had been made towards neighborly behavior, only to realize the next time there was a discussion, we were three steps further away from one another. The issue with broken cones that had been placed on the WB city right of way by the Ingles was thought to be resolved when in the presence of WB law enforcement an agreement was made to replace the cones with a grate. The grate would provide a safer option for anyone crossing the right of way. Spencer placed the grate and we were shocked to receive an email on 5/29/22 from the Ingles stating that they had removed the grate. We can provide further details if more information is needed. Spencer also tried to appease the Ingles when he offered to install a concrete box with a grate that is often used in roads to catch the water and sediment at Spencer's own time and expense. Mr. Ingles refused this offer.

A building permit was obtained in 2018 to begin an addition to the Hughes residence. This permit allows equipment to reside and be used on the Hughes property until completion of the project. The permit is still open and the project is still in progress.

Many of the photos submitted of "some of his equipment" are in fact multiple pictures of the same equipment that is not owned by Spencer Hughes or SH Excavation LLC. The majority of the equipment pictured, in fact belongs to Dwayne Hughes. Dwayne's equipment was used on the Spencer Hughes property at the beginning of the home addition. The equipment shown has not been on the Spencer Hughes property for several years. The only relevant photos submitted by the Ingles to our application for home business occupation license is the dump truck pictured on pages 10 and 11.

The pile of gravel pictured on page 15 is the gravel that is currently being stored for a newly engineered wall that is to be installed on the North side of the Hughes residence. Spencer Hughes has a new open building permit to install this retaining wall required by WB city.

As to the claim that some construction equipment harmed the Ingles property we provide the following information for your consideration.

- a. Attached as photo 1 is a picture of the Hughes concrete garage floor. The dump truck has driven past the Hughes garage (concrete) only inches away on multiple occasions. There has been no damage. However, the Ingles claimed that the dump truck has damaged the concrete in their basement. The Ingles home is approximately 50 feet away. Why would there be damage 50 feet away and not right next to where the dump truck passed by. The Hughes looked at the Ingles concrete basement, at the Ingles request, and mentioned that they were old cracks in the concrete. Spencer offered to help the Ingles replace their cracked concrete and was told by Mr. Ingles to, "Get the #\$% out of his house." WB city and an insurance carrier all looked and noted that the concrete is old and is bound to have cracks. The Ingles home is approximately 45 years old.
- b. Between approximately 2007 to 2009, the Ingles had close to 80 truckloads of dirt, which many were overloaded, hauled to their back-yard property. Each loaded truck drove right next to the Ingles home. It is interesting that the Ingles only brought up the cracks in the basement after the Hughes started their home addition.
- c. On March 18th, 2020 there was an earthquake felt all through SLC and Davis county. The Ingles claim that the cracks in their basement concrete were not caused by the earthquake, but only caused by the Hughes dump truck.
- d. The groundwater in West Bountiful has been receding and the hydrostatic pressure will therefore change. This change has been known to cause concrete cracks.
- e. The ground on the Ingles property is flat. The lack of slope is allowing water to flow directly into the Ingles basement when there is rain.

In summary, all the other neighbors in the specified area are okay with SH Excavation LLC being granted the home business occupation license. We appreciate your consideration in this matter and are happy to answer any questions or concerns. We feel the Ingles are blaming us for their aging house problems. The Ingles are causing extra work for WB city and law enforcement. SH Excavation is a new business that hopes to be able to prosper and be able to provide for the Hughes family. Any implication that SH Excavation or Spencer Hughes delayed obedience to the laws and ordinances of WB city were due to ongoing legal matters that the Hughes thought would have been resolved by now. SH Excavation looks forward to continuing to lend a helping hand when necessary to WB city and its residents.

Sincerely,

Spencer and Wendy Hughes
SH Excavation LLC
1465 North 1100 West
West Bountiful, UT 84087

Photo 1 of Hughes concrete garage floor without cracks taken 10/5/22.



Photo 2: Ingles flat driveway to the back of their property taken 10/5/22.



10/10/22

Additional information
Received from Bud Ingles

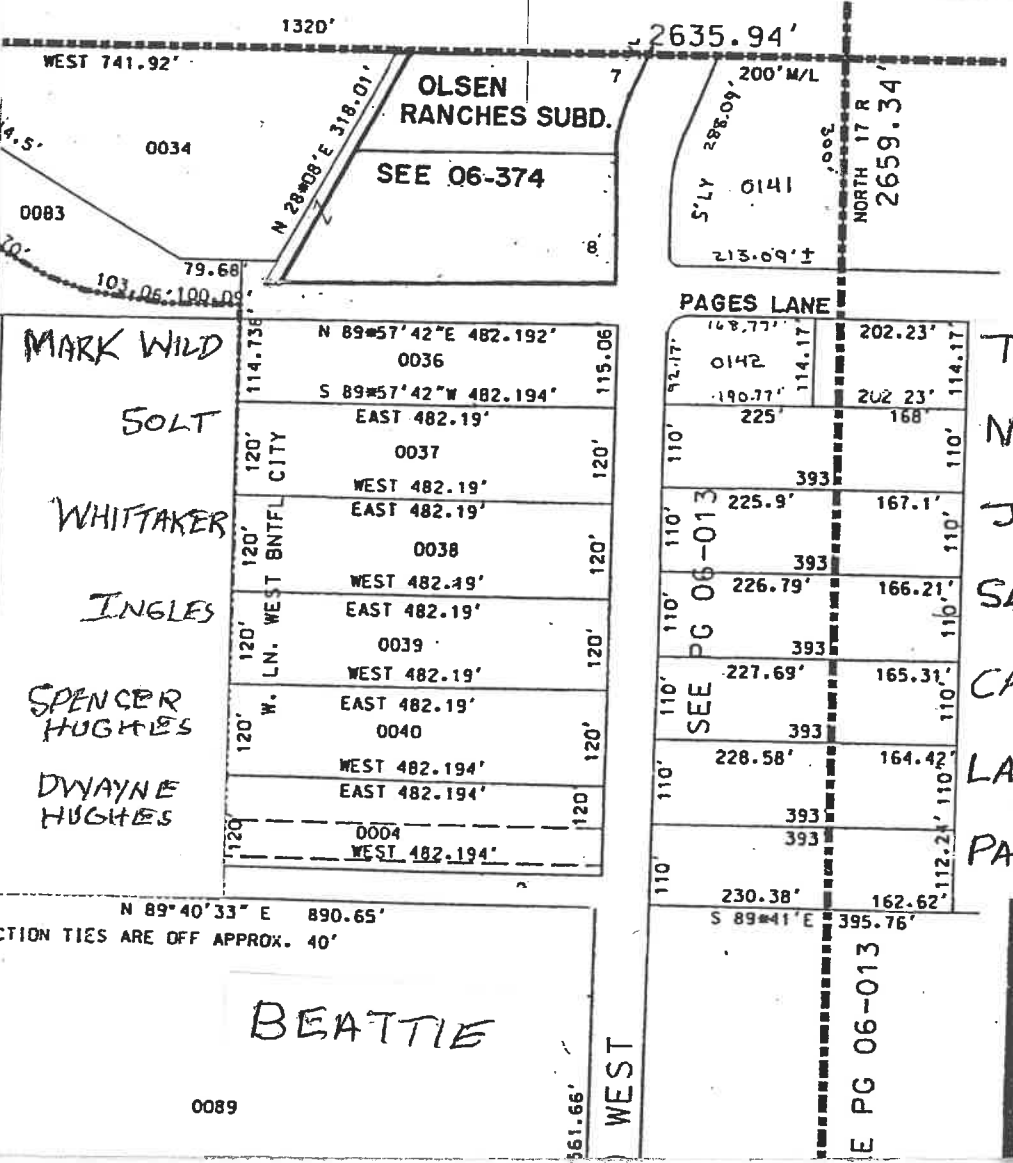
OWNER	ACRES	PID	OWNER	ACRES
Wm. Louise Forsgren - TRS	3.00			
Utah Power & Light Co.	3.37			
Ed. S. Green - Tr	2.40	0069	Utah Power & Light Co.	1.255
Utah Power & Light Co.	4.00	0072	West Bountiful City	1.54 ft
				.96
	3.00	0075	Stephen Russell	1.51
Utah Power & Light	3.00	0080	John E. Charclenke - Trs	.602
West Bountiful City	9.04			
West Bountiful City	4.04			
Was. County	1.29	0083	Pacificorp DBA UPL	1.23
Was. County	1.27	0084	Utah Power & Light	2.62
Mark Tracy (TRS)	1.12			
Utah Power & Light Co.	2.920			

PREFIX 19
06-027
1 of 2
LAST #



SCALE:
1" = 200'

INDIAN
UTAH



TINGEY
NADAULD
JARDINE
SLAGOWSKI
CALL
LACKEY
PASKETT

14, T.2N
RECORDER'S

The decision that West Bountiful City may make about a conditional use permit for Spencer Hughes is important for the entire neighborhood. It may be a first step opening the door for other residential-agricultural properties in the neighborhood whose owners may want similar permits.

Dwayne Hughes property is next. If the City grants Spencer a conditional use permit, it almost resurrects Dwayne's RESTATED CONDITIONAL USE PERMIT that expired September 1, 1998. It could eliminate the "null and void" provision and lead to him receiving a third permit. A third permit for Dwayne's property may change its allowed future use and enable it to be marketed as commercial construction property, etc.

Granting a conditional use permit to Spencer is a first step in opening the door of conditional use permit usage for Dwayne's property, for Ingles' property, for Lackey's property, for Solt's property, etc.

North of Spencer's is the Ingles property. Again, a conditional use permit for Spencer opens the door for future owners.

The second place north of Spencer's is the Whittaker property. Lee has heart-health problems and Kelly does not drive because of her health. (This information is for the City as it views the neighborhood). Approval for Spencer is a first step in opening the door for similar City treatment for potential future purchaser(s) of the Whittaker property.

The third place north of Spencer's is the Solt's property. The Solt's property is in probate. Leslie plans to move to South Dakota where his daughter and grandchildren live. After probate, they plan to sale out. A conditional use permit for Spencer is a first step opening the door for the Solt's property less than 300 feet from Spencer.

On the corner, Mark Wild's property has almost 500 feet of road-frontage on Pages Lane. Granting conditional use permits in this residential-agriculture neighborhood may benefit the Wild's lot. What the City decides for Spencer does not stop at 1465 N. 1100 W. Mark, or a new owner, may seek City changes. North of Wild's is residential-agriculture neighbors whose views are relevant. What changes could they face in the future if conditional use permits are granted for non-agricultural-residential uses?

Across from the Whittakers is Isabel Jardine who is a senior citizen and her property is less than 300 feet from Spencer's. Its future too may be affected.

Across the street from Spencer is the Tyler & Lori Lackey property. Dominion Energy's Pipeline right-of-way thru the property may make it difficult and/or extra costly for building a residence. If the City grants a conditional use permit for Spencer, this may open the door for them to consider marketing their property under a conditional use permit for parking construction equipment, non-residential & non-agriculture uses, etc.

The value of Lane and Joy Beattie's property may change if it can be marketed under a conditional use permit like that for the Hughes properties. Lane is retired. They have other places where they could reside if it becomes attractive to unload their 1100 W. property.

In 1992, Dwayne "Hughes acknowledges the incompatibility of storing, repairing and maintaining heavy earthmoving equipment in a residential area and agrees to seek and obtain property in another location for such purpose". Spencer has known of the 1992 agreement between his father and the City. With this knowledge, Spencer has had 30 years to plan for and locate compatible property in another location. Since 1992, Spencer has known that the only "Permit" would end in September 1998.

WE ASK THE CITY TO REJECT SPENCER HUGHES APPLICATION.

We ask the City to reject Spencer's application for a conditional use permit because it is consistent with a past City-Dwayne acceptance by Dwayne. Spencer's application should also be rejected because of its future possible impact on other properties in the residential-agricultural neighborhood. This position of rejection is supported by the RESTATED CONDITIONAL USE PERMIT issued to Dwayne Hughes effective 15 December 1992 and ending September 1, 1998.

Recognize that what is approved for one impacts the neighborhood. It is not compatible for the residential and agricultural neighborhood.

Thank you.

Bud and Jeanette Ingles

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH

IN THE MATTER OF THE ESTATE
OF MARY LOANN HANSEN SOLT

NOTICE OF APPLICATION
FOR INFORMAL PROBATE OF WILL
AND
INFORMAL APPOINTMENT OF
PERSONAL REPRESENTATIVE
Case: 223700522 ES

DECEDENT

Notice is hereby given that on September 01, 2022 AMBER NICOLE CHRISTIANSON filed with the registrar of this court an application for informal probate of the decedent's will dated May 25, 2021 and for informal appointment of MARY LOANN HANSEN SOLT as personal representative of the decedent, to act without bond.

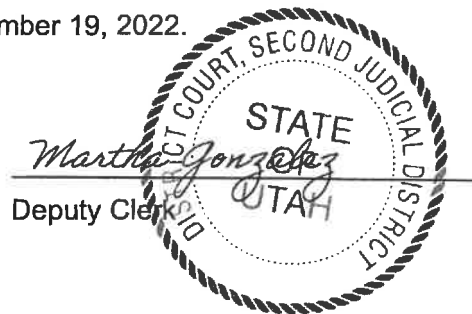
A copy of the application is on file with the clerk of the court and may be reviewed upon request.

After the last date of publication and after the elapse of ten days from the date of this notice, if the application is found to be complete and in compliance with the Utah Uniform Probate Code, it will be granted.

Failure to object to the application will not affect the right of an interested person to petition the court to set aside the informal probate or appointment.

Reviewed by the registrar for approval on September 19, 2022.

Dated: September 06, 2022



CRAIG HUGHES

1584 S 500 W

STE 100

BOUNTIFUL, UT 84010

(Attorney)

For up-to-date information on court operations during the COVID-19 pandemic, please visit:
<https://www.utcourts.gov/alerts/>

Individuals needing special accommodations (including auxiliary communicative aids and services) should call Monica Fjeldsted at 801-447-3824 three days prior to the hearing. For TTY service call

Print Preview

mc westbountiful.municipalcodeonline.com/book/print

17.16 Agricultural District, A-1

17.16.010 Purpose

17.16.020 Permitted Uses

17.16.030 Conditional Uses

17.16.040 Area And Frontage Regulations

17.16.045 Every Dwelling To Be On A Lot; Exceptions

17.16.050 Yard Regulations

17.16.060 Height Regulations

17.16.070 Density

17.16.080 Farm Animal Regulations

17.16.090 Reserved

17.16.100 Fence Requirements

17.16.010 Purpose

The purpose of providing the agricultural district A-1 is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces.

This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

HISTORY

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

17.16.020 Permitted Uses

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

1. Agricultural;
2. Single family dwelling;
3. Farm Animals;
4. Home Occupations; and
5. Residential facility for persons with a disability.

HISTORY

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

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. Residential facility for elderly persons;
7. Kennels;
8. Residential facility for Elderly Persons;
9. Restricted Lots (see definitions, Section 17.04.030); and
10. Accessory Dwelling Units (ADU).

HISTORY

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

Amended by Ord. 383-16 on 12/1/2016

Amended by Ord. 404-18 on 4/20/2018

17.16.040 Area And Frontage Regulations

The following area and frontage regulations apply in the agricultural district A-1:

1. The minimum residential lot size shall be one acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68;
2. The minimum lot width shall be eighty-five (85) feet;
3. Any legally created lot at the time of adoption of this zoning code, which is below the requirements for lot area or lot width for the district in which it is located and on which a dwelling would be permitted if the lot met the area requirements of the zoning code, may be used for a single family dwelling if such a lot is located in the (A-1, R1-10, R1-22) zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet.

HISTORY

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

17.16.045 Every Dwelling To Be On A Lot; Exceptions

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums and other multi structure dwellings, complexes under single ownership and management, which are permitted by this title and have approval by the planning commission, may occupy a single lot.

HISTORY

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

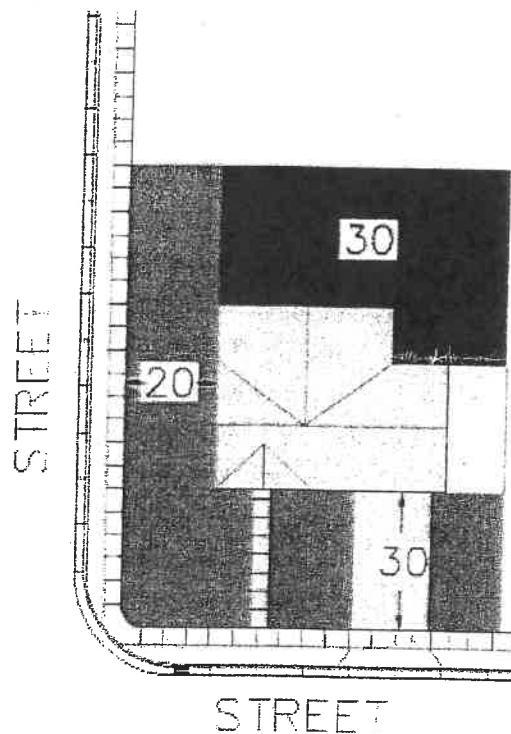
17.16.050 Yard Regulations

The following regulations apply in the agricultural district A-1:

1. Minimum Setbacks. (See diagram below)

1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
3. Street side yard.
 1. On a corner lot, the minimum street side yard setback is twenty (20) feet.
 2. No accessory structure may be constructed within the street side yard of a corner lot unless the accessory structure:
 1. Is situated behind the rear line of the main structure and no closer than three (3) feet from the street side lot line;
 2. Is two hundred (200) square feet or less;
 3. Has a maximum height of nine (9) feet measured from the lowest finished ground level to the highest part of the roof; and
 4. Complies with other requirements of this Code.
4. Rear yard.
 1. The minimum rear yard setback for all main structures is thirty (30) feet.
 2. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
 3. For purposes of subsections A.4.d and A.4.e. of this section:
 1. "Patio" means a pad or structure no more than twenty-four (24) inches above the lowest adjacent finished ground level that provides outdoor floor space and does not require a railing under applicable building codes.
 2. "Deck" means a structure higher than twenty-four inches above the lowest adjacent finished ground level that provides outdoor floor space and requires a railing under applicable building codes.
 4. A deck may encroach into the rear yard setback as long as it meets the following requirements:
 1. No portion of the deck is less than twenty-five (25) feet from the rear property line;
 2. The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 3. The deck does not encroach more than 200 square feet into the setback area;
 4. The floor of the deck is no higher than the highest finished floor of the main structure;
 5. The portion of the deck that extends into the rear yard setback is not covered; and
 6. The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent.
 5. A patio roof may encroach into the rear yard setback as long as it meets the following requirements:

1. The patio floor surface is no higher than the lowest finished floor elevation;
 2. No portion of the roof is less than twenty-five (25) feet from the rear property line;
 3. The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 4. The roof does not encroach more than two-hundred (200) square feet into the setback area;
 5. The highest point of the roof is no higher than the adjacent roof the the dwelling or eighteen (18) feet above the patio, whichever is lower;
 6. No wall, fence, or railing is required or constructed along any part of the patio; and
 7. The patio and roof meet all building code requirements.
2. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet.
 3. No building on recorded easements. No main structure or permanent accessory structure shall be built on or over any recorded easement such as a public utility easement.
 4. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street before a building permit may be issued.
 5. Yard space for one building only. No yard or open space on a property shall be considered as providing a yard or open space for a building on an adjacent property.
 6. Area of structure and accessory building. No accessory structure or group of structures in any residential district shall cover more than thirty-five percent (35%) of the rear yard or, on a corner lot, the combined rear yard and street side yard behind the main structure.
 7. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
 8. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street



side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

HISTORY

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

Amended by Ord. 389-17 on 3/1/2017

Amended by Ord. 399-18 on 1/22/2018

Amended by Ord. 414-19 on 3/11/2019

17.16.060 Height Regulations

1. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section.
 1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, the structure is set back an additional one (1) foot beyond the minimums required by the chapter in the rear yard, side yards, and as applicable, street side yard.
 2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection A.1. of this section.
2. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
3. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.
4. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

HISTORY

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

Amended by Ord. 414-19 on 3/11/2019

17.16.070 Density

The maximum net density allowed shall be one unit per acre.

HISTORY

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

17.16.080 Farm Animal Regulations

1. Farm animals may be kept on properties according to the following requirements:
 1. For each acre, a parcel, or adjacent properties, whether owned or leased, shall be eligible to contain or house farm animals rating one hundred (100) points or prorated for any part thereof.
 1. Large animals such as horses, ponies, donkeys, mules, llamas and cows require a minimum area of .40 acres: Forty (40) points each.
 2. Medium animals such as sheep and goats, and other animals of similar size: Twenty (20) points each.
 3. Small animals such as ducks, chickens, geese, rabbits and turkeys: Four (4) points each.
 4. Pigs, provided that pens are located at least two hundred (200) feet from neighboring dwellings: Forty (40) points each.
 5. Miniature or pygmy farm animals will have one-half the points of the normal sized species.
 2. The points listed in Subsection A.1 above may be decreased for large, medium and small animals subject to approval of a conditional use permit by the planning commission pursuant to Chapter 17.60 of the West Bountiful Municipal Code and the provisions below.
 1. The minimum points allowed shall be twenty-five (25) for each large animal, ten (10) for each medium animal, and two (2) for each small animal.
 2. Neighbors adjoining the applicant's property for which the conditional use permit is requested will be notified by city staff at least five (5) days prior to the public meeting. Such notification will include the name and address of the applicant, the specific reason for the application, and the date, time and location of the planning commission meeting at which the application will be discussed.
 3. Dependent offspring, up to nine (9) months of age, shall not be counted in determining the total number of animals on the parcel(s).
 4. Adopted dependent offspring, up to nine (9) months of age, shall not be counted in determining the total number of animals on the parcel(s), subject to approval of a conditional use permit as outlined in Subsection A.2. above. Such conditional use permit shall be valid for no longer than nine months, as determined by the planning commission.
 5. Honeybees, pursuant to the requirements of Title 4, Chapter 11 of the Utah Code.
2. For multiple properties to be eligible for combined point calculation under Subsection A, the following criteria must be met:
 1. The properties shall be owned or leased by the same person or entity.
 2. All properties used for the combined point calculation must be contiguous.
 3. If one or more properties are leased:
 1. The lease must be in writing and signed by both parties.
 2. The leased property, in its totality, must be used in some meaningful way by lessee in the keeping of farm animals.

3. All animals, except bees, must be kept in an area enclosed by a fence or structure sufficient to prevent escape.
4. Setbacks for all structures shall meet applicable zoning requirements for each parcel, as well as the following requirements, as applicable.
 1. No animal shelter, including pens, coops and beehives, may be located less than six (6) feet from any property line or dwelling.
 2. Barns, stables, corrals, or similar structures used to house medium and large animals may not be located less than seventy-five (75) feet from any neighboring dwelling.
 3. An apiary, housing colonies of bees, must be at least six (6) inches above the ground and, if located less than fifteen (15) feet from a property line, a solid six (6) foot vertical barrier running along or near the property line and extending at least four (4) feet beyond the apiary in each direction is required.
5. To protect the health, safety and welfare of the animals and the public, animal waste, debris, noise, odor, and drainage shall be kept in accordance with usual and customary health standards associated with that type of animal.
6. Failure to comply with any portion of this section shall invalidate any use specified in this section and shall subject the owner to penalties and/or fines as specified elsewhere in this title.

HISTORY

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

17.16.090 Reserved

17.16.100 Fence Requirements

1. Fences and walls may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
2. Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback. Within any front yard setback, no fence, wall or hedge may exceed two (2) feet in height within three (3) feet of any street right of way or sidewalk (whichever is closer to the primary building on the lot).
3. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
4. Clear view of intersecting streets. In all districts which require a front yard no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points (40) feet from the intersection of the street lines, except pedestal type identification signs and pumps at a gasoline service station, and a reasonable number of trees pruned so as to permit unobstructed vision to traffic.

file

West Bountiful City

550 North 800 West
West Bountiful, Utah 84087
Phone 292-4486

APPLICATION FOR CONDITIONAL USE PERMIT

Application is made to the West Bountiful City Planning Commission for a conditional use permit.

The use will occur on the following described property:

1425 N. 1100 W

The structures to be constructed on the above described property will be used for the following purpose(s):

parking of Farming Equipment as attached.
And pertaining to revised ordinance Sec 10-7-5
(W) in Zoning and Land development Code A-20
Zone

The undersigned applicant(s) certifies knowledge of the provisions of Chapter VII of the Land Development Code. The applicable documents to show compliance with the general requirements of Section 7-3 are attached. Documents to show compliance with the special requirements for planned unit developments, mobile home parks, mobile home subdivisions, recreational vehicle parks, landfills, land excavations, subdivisions, and performance standard subdivisions are also attached if applicable.

1- No Visible Advertising on Bat Property

2. Equipment Not to Exceed signed: Dwayne Hughes
Attached list items.

3. Fence or Hedge to Screen
equipment in A-20 zone

4- This conditional use will be
reviewed in one year
Planning Commission Approval:

(Applicant)

Date: 3-9-82

Signed: Deeth Sullivan

EXHIBIT "B"

1- 9500 GMC TRAC.
1- 350 GMC DUMP
1- 400 GMC DUMP
1- 300 GMC
1- F350 FORD FLAT BED
3- VAN TRAILERS
2- TILT BED TRAILERS
1- FUP TRAILER
2- FLAT BED TRAILERS
1- PICKUP BED TRAILER
1- BOTTOM DUMP
1- 16 YARD DUMP
1- 410 JOHN DEERE w/ CRANE BOOMS
1- 400 JOHN DEERE
1- CASE LOADER & FORK LIFT
1- SCAFFOLD TRUCK
1- 951 CAT LOADER
1- CJ5 JEEP
1- K 20 SUBURBAN & SNOW PLOW
1- 9N TRACTOR
1- TOV BEHIND COMPACTOR
1- TANK TRAILER
1- UTILITY TRAILER

RESTATED CONDITIONAL USE PERMIT

THIS RESTATED CONDITIONAL USE PERMIT is issued to Dwayne Hughes, 1425 North 1100 West, West Bountiful, Utah, effective this 15th day of December, 1992, as follows:

BACKGROUND:

A. Dwayne Hughes ("Hughes"), is the owner and occupant of certain property, comprising approximately 1.32 acres, within the corporate limits of West Bountiful City, Utah (the "City"), located at 1425 North 1100 West (the "Premises").

B. The boundary between the RR-1 Zone and the A-20 Zone has been determined by the City to be along a line extending through the Premises 253 feet west of the centerline of 1100 West Street, such that the portion of the Premises situated east of said line is within the RR-1 Zone and the portion situated west of said line is within the A-20 Zone of the City.

C. Hughes is the holder of a conditional use permit issued by the City, effective March 9, 1982 (the "Prior Permit"), subject to the terms and conditions stated therein.

D. In reliance on the Prior Permit, Hughes has stored and maintained on the Premises certain items of equipment used by him in connection with his earth moving business, which he has operated from his home which is also on the Premises.

E. On or about July 15, 1992, the Planning Commission of the City revoked the Prior Permit on the basis of its findings that Hughes had violated the stated terms and conditions thereof.

F. On or about August 10, 1992, Hughes timely filed an Amended and Restated Notice of Appeal, appealing the revocation of the Prior Permit to the City Council.

G. Hughes is desirous of continuing his business on the Premises for a period of time, and rather than continue with his appeal is willing to abide by the terms and conditions of this Restated Conditional Use Permit in settlement of the appeal.

ZONING AUTHORITY:

§10-7-5(I), R.O.W.B., provides that the use of property situated in an RR-1 Zone of the City for a home occupation shall be by conditional use permit.

§10-7-5(W), R.O.W.B., provides that the use of property situated in an A-20 Zone of the City for the keeping and repairing of earthmoving equipment owned by the occupant of the premises shall be by conditional use permit.

GRANT OF RESTATED CONDITIONAL USE PERMIT

IN CONSIDERATION of the foregoing background and stated authority, and pursuant to the provisions of §10-18-2 and §10-18-6, R.O.W.B., the City hereby issues a Restated Conditional Use Permit to Dwayne Hughes in connection with his use of the Premises both within the RR-1 and A-20 zones, subject to and in conformance with the following terms and conditions:

SECTION 1. FENCING. In the interest of the health, safety and welfare of the community, that portion of the Premises which is situated immediately west of the Hughes home shall be entirely fenced in conformance with the following requirements:

(a) The fence shall be constructed of cedar fencing material in such a manner so as to be structurally sound, of solid construction, without gap, to a minimum uniform height of ten (10) feet.

(b) The fence shall be maintained standing, and in good condition during the term of this permit.

(c) The fencing shall be completed in accordance with the following schedule:

(1) No later than December 15, 1992, Hughes shall complete installation of the fencing along the southern boundary of the Premises, except that Hughes shall have until April 30, 1993, to complete installation of two (2) electronic gates (constructed to a minimum of ten feet (10') in height), along said southern boundary.

(2) No later than January 15, 1993, Hughes shall complete installation of the fencing along the northern boundary of

the Premises so as to tie into the existing railroad tie wall.

(3) No later than February 28, 1993, Hughes shall: (i) complete installation of the fencing along the entire western boundary of the Premises, (ii) construct a fence continuing from the existing railroad tie wall on the south side of the residence to the southwest corner of the house, and (iii) construct a fence extending from the north wall of the Hughes residence to the existing tie wall fence, all to a uniform height of not less than four feet (4'). Hughes shall be allowed to install gates along the front (ie. the east) portion of the fence, at Hughes' discretion.

(d) Hughes' failure to complete the fencing of the Premises according to the above schedule, or to repair any downed fencing within twenty (20) days from the date of written notice from the City Ordinance Officer, shall be deemed a violation of this Permit.

SECTION 2. CONDITIONAL USE FOR HOME OCCUPATION. Subject to the provisions of Section 4 below, Hughes shall be authorized to use the home, by conditional use, for a "Home Occupation" as defined by the City Code, for the limited purpose of maintaining an administrative office.

SECTION 3. CONDITONAL USE FOR STORAGE AND MAINTENANCE OF EARTHMOVING EQUIPMENT. Subject to the provisions of Section 4 below, the garage and remaining portions of the Premises may be used, by conditional use, for the limited purpose of storing, repairing and maintaining equipment used by Hughes, subject to the following:

(a) In the interest of the health, safety and welfare of the community, and by virtue of the residential character of the neighborhood in which the Premises is situated, it is the purpose and intent of the City in the issuance of this Restated Conditional Use Permit to limit the size, scope and nature of the business which can be conducted and carried on by Hughes on the Premises to that originally granted in the Prior Permit and as authorized hereby.

(b) The equipment authorized to be stored, repaired and

CLYDE, PRATT & SNOW

maintained on the Premises shall be expressly limited to the following items with the specifications and/or rated gross vehicle weight (GVW) for each item as indicated below:

<u>NUMBER</u>	<u>ITEM</u>	<u>GVW</u>	<u>DESCRIPTION</u>
1	9500 GMC Trac	50,000 lbs.	
1	GMC General	49,500 lbs.	
1	GMC Brigadier	33,760 lbs.	
1	GMC Astro	50,500 lbs.	
1	624 Loader		4 yards
1	Water Trailer		3,000 gal.
2	Van Trailers		48'x 23'
2	Tilt Bed Trailers		35'x 23'
1	Pup Trailer		36'x 8'6" dual axle
2	Flat Bed Trailers		48'x 22'
1	Pickup Bed Trailer		14'x 6'6"
1	Adam Road Grader		Model 660
1	8 Yard Dump		35'x 8' dual axle
1	510 John Deer		1 3/4 yards
1	225 Cat Backhoe		1 1/4 yards
1	Case Loader and Forklift		1 yard
1	Scaffold Truck		30'x 8'
1	951 Cat Loader		2 1/4 yards
1	Tow-behind Compactor		14'x 8' Viber Plus
1	Tank Trailer (Fuel)		17'x 8' (800 Gal.)

Hughes shall have the right to substitute, in the place of the above-described equipment, reasonably equivalent equipment provided that the replacement equipment shall not materially exceed the above-stated GVW rating or description for the equipment replaced.

Hughes shall be required to notify the City, in writing, of any such substitution, and provide proof of the gross vehicle weight or description for the substituted item, within ten (10) days of the date the substituted item is first placed on the Premises. In addition to the foregoing, Hughes shall be authorized to maintain and store on the Premises, in a neat and orderly manner, such tools, parts, tires and other items as shall be necessary to repair and maintain the above-listed items of equipment. Fuel may be

stored on the Premises only in vehicles and mobile trailers which are identified in the above list. No fixed fuel storage facilities, either above or under ground, shall be allowed on the Premises for business purposes. The above-listed items of equipment and all tools, parts, tires, and other approved items shall at all times be parked, stored, repaired and maintained within the fenced area of the Premises.

(c) It shall be deemed a violation of this Permit for Hughes to expand his business by storing, repairing and/or maintaining any items of equipment on any property adjoining the Premises.

(d) Except as provided in subparagraph (e) of this Section, all other items or materials not identified in subparagraph (b) of this Section shall, on or before December 31, 1992 be physically removed from the Premises. Hughes shall have no right or authority to store or otherwise maintain on the Premises any other items or materials including, without limitation, dirt, rock, metal or other scrap or construction materials; it being understood and agreed that the use of the Premises pursuant to this Restated Conditional Use Permit is strictly limited to an administrative office and the storage, repair and maintenance of the above-listed items and for no other additional purpose other than residential.

(e) Hughes may store and maintain on the Premises reasonable items of personal property not used in connection with any business.

(f) No advertising for Hughes' business shall be affixed to Hughes' home, the fencing or anywhere on the Premises; however, the equipment authorized to be stored and maintained on the Premises may display advertising thereon.

SECTION 4. TERM; COMMITMENT TO RELOCATE. Hughes acknowledges the incompatibility of storing, repairing and maintaining heavy earthmoving equipment in a residential area and agrees to seek and obtain property in another location for such purpose. Accordingly, subject to the provisions of Section 6, the term of this Restated Conditional Use Permit shall only continue through September 1, 1998, after which date this Restated Conditional Use Permit shall be null and void.

SECTION 5. INSPECTION. The Premises shall be subject to inspection, upon reasonable notification to Hughes, for compliance with the terms and provisions of this Restated Conditional Use Permit by the City Ordinance Officer at all reasonable times during normal business hours.

SECTION 6. VIOLATION. This Restated Conditional Use Permit is being issued in response to and in settlement of an appeal taken by Hughes to the City Council in connection with the revocation of the Prior Permit. The Prior Permit was revoked by the City's Planning Commission after notice and an opportunity to be heard in conformance with the provisions of §10-18-3, R.O.W.B. On appeal, Hughes has further been given due and adequate notice and an opportunity to be heard on this matter in connection with said proceedings. Accordingly, in the event Hughes materially violates

any of the above terms, covenants or conditions required to be performed by Hughes hereunder, the City shall give Hughes written notice of the violation. Except as provided in Section 1(d) with respect to downed fencing, Hughes shall have a period of thirty (30) days from the date of said notice within which to cure the violation. In the event the City Council finds that the violation has not been cured within said period, then, in consideration of the background of this case as stated herein, Hughes shall hereby be deemed to have waived any common law, statutory or constitutional right to any further opportunity to be heard on this matter, and this Restated Conditional Use Permit shall, upon written notice to Hughes, be revoked, without more; whereupon, Hughes shall be required to immediately bring the Premises into strict compliance with the then applicable zoning ordinances.

SECTION 7. OTHER LAWS. As a further condition to continuation of this Restated Conditional Use Permit, Hughes shall be required to obey all other applicable zoning and other ordinances of the City, and all environmental and other applicable State and federal laws, the violation of which may, at the discretion of the City Council, after reasonable notice and an opportunity for Hughes to be heard, result in the revocation of this Restated Conditional Use Permit.

SECTION 8. REIMBURSEMENT OF COSTS AND EXPENSES. In the event it becomes necessary for the City to retain legal counsel to pursue any city administrative, judicial or other proceedings to enforce the terms and provisions of this Restated Conditional Use Permit or

the City's zoning ordinance as against Hughes, and the City prevails in such proceeding whether by acknowledgment, compromise, judicial decree, or otherwise, Hughes shall pay and be responsible for all costs and expenses incurred by the City associated therewith, including court costs and reasonable attorney's fees. However, in the event a court having proper jurisdiction enters judgment against the City and in favor of Hughes in connection with any such enforcement proceeding, then the City shall pay and be responsible for its own costs and expenses and for all costs and expenses incurred by Hughes associated therewith, including court costs and reasonable attorney's fees.

SECTION 9. SEVERABILITY. If any term or condition of this Restated Conditional Use Permit shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or condition shall not affect the enforceability of any other term or condition of this Permit.

SECTION 10. INTEGRATION. The terms and conditions of this Restated Conditional Use Permit constitute the entire understanding and agreement of Hughes and the City pertaining to Hughes's use of the Premises by conditional use under the City's ordinance, and supersedes the Prior Permit and all other prior agreements, representations or understandings, whether written or oral, pertaining to this subject matter.

SECTION 11. BINDING EFFECT. This Restated Conditional Use Permit shall be binding upon and inure to the benefit of the City

and upon Hughes; except that in the event of Hughes' retirement or demise, this Restated Conditional Use Permit shall be binding upon and continue in force and effect only for the benefit of Hughes' natural heirs, and no other persons or entity, for the remainder of the term hereof as provided in Section 3.

SECTION 12. ASSIGNMENT. This Conditional Use Permit shall not be assignable.

ISSUED BY AUTHORITY OF WEST BOUNTIFUL CITY, UTAH.

WEST BOUNTIFUL CITY COUNCIL

By: Carl A. Johnson
Mayor

ACKNOWLEDGED BY:

WEST BOUNTIFUL CITY PLANNING COMMISSION

By: [Signature]
Chairman

ACCEPTANCE:

Upon consultation with legal counsel, I have read and understand the terms and conditions of the above Restated Conditional Use Permit, and hereby accept and agree to be bound by the same.

Dwayne Hughes
DWAYNE HUGHES

WEST BOUNTIFUL POLICE DEPARTMENT

OFFICER REPORT

Incident: I885041

Report: R3061352

Page: 1 of 2

Case: 2019-000905

DETAILS

Activity Codes: 505-Civil Problem

Location: 1485 N 1100 WEST

Case Disposition: Inactive

Occurred on: 09/03/2019 From: 08:41 To: 10:07

Officer Activity on: 09/03/2019 From: 08:41 To: 10:06

PEOPLE INVOLVED

Name: INGLES, JOSEPH LEGRAND

RP Age at Incident: 80 DOB: 06/15/1939 Race: White Mobile: (801) 295-8900
Ethnicity: non Hispanic Hair: Brown Ht: 6' 0"
Sex: Male Eyes: Brown Wt: 180 lbs.
Residence Addr: 1485N 1100 WWEST BOUNTIFUL, UT84087
Involvement: Reporting Party

Name: HUGHES, SPENCER DEAN

IO Age at Incident: 45 DOB: [REDACTED] Race: White Home: [REDACTED]
Ethnicity: non Hispanic Hair: Brown Ht: [REDACTED] Mobile: [REDACTED]
Sex: Male Eyes: Brown Wt: [REDACTED] Other: [REDACTED]
Residence Addr: [REDACTED] WEST BOUNTIFUL, UT84087
Involvement: Involved Other

Name: HUGHES, WENDY SUZANNE

IO Age at Incident: 47 DOB: [REDACTED] Race: White Mobile: [REDACTED]
Ethnicity: non Hispanic Hair: Blond or Strawberry Ht: [REDACTED]
Sex: Female Eyes: Green Wt: [REDACTED]
Residence Addr: [REDACTED] WEST BOUNTIFUL, UT84087
Involvement: Involved Other

NARRATIVE

Halliday, B.

Initial

09.03.2019

2019-000905

On September 3, 2019, at 0841 hours I responded to 1485 North 1100 West on a civil problem. Joseph Ingles reported his neighbors, Spencer and Wendy Hughes, dug into his property, placed in a concrete wall, and laid gravel into his soil.

I arrived on scene and spoke to Joseph. I asked Joseph to explain to me what happened. Joseph told me he and his wife went on vacation and when they returned eight days later, there was a concrete wall on the property line. Joseph said next to the wall was gravel, not his original topsoil. The gravel was going into his property and a water line for his trees was cut. I asked Joseph to fill out a witness statement while I went to speak with his neighbor. Joseph agreed and took the witness statement.

I went to Spencer and Wendy's home, 1465 North 1100 West, and spoke to Spencer. I explained the situation to Spencer who told me he was offering to clean up the gravel and give Joseph all-new topsoil when the project was done. Spencer explained he knew the line to the trees was cut and showed me the new line he bought to replace it. Spencer said he wants to be a good neighbor and repair any damage done but doesn't want to be called names and berated when he speaks with Joseph. Spencer said he was called a liar and was met with rude behavior when first talked to by Joseph about the wall. I explained to Spencer and Wendy try not to contact Joseph unless they had to. I told Spencer and Wendy I would tell the same thing to Joseph. I asked Wendy if she would fill out a witness statement and she said yes. I provided Wendy with a statement and left to speak with Joseph.

I asked Officer Van Wagoner to come and review the case with me which he did. Officer Van Wagoner agreed it was a civil case because there was no criminal intent. Officer Van Wagoner remained on scene as a cover officer.

I explained to Joseph it is a civil problem and Spencer is willing to repair whatever wrong he has caused. I told Joseph there was no criminal intent so there is no criminal act. I gave Joseph a contact number for Dispatch and to call when his statement is done, and I'll pick it up. Joseph thanked me for my time, and Officer Van Wagoner and I left the scene.

I recorded this incident on my uniform and patrol vehicle video cameras. The footage has been uploaded to the West Bountiful server.

BRIEF SUMMARY

1. In the 4th week of August 2019, while we were on vacation, Spencer dug a trench (75 ft. long, 3 to 7 ft. deep, 8 to 23 in. wide) on our property. He filled the trench with gravel, covered it with 2 to 3 inches of dirt to hide what he did, & kept or sold the rest of our soil. Wendy said: "You weren't using your property".
2. After telling the Police he would clean up the gravel, he removed some, only, after a neighbor talked to him.
3. Spencer showed WB Police "the new line he bought to replace" our irrigation line he chopped up (about 165 feet). After showing the new line to Police, implying he was making restitution, the line disappeared.
4. Construction equipment on trailers, pulling out and backed-into the Hughes north driveway destroyed 7 of our orange safety cones. His dump truck sometimes hit the cones. Cones are by the mouth of the storm drain pipe & are 9 inches within our property line park-strip. Since 2019, he cost us over \$260.00 to replace cones he destroyed. Cones are to protect people from getting hurt as they walk or bicycle by our storm drain opening. 2 new cones appeared on our porch.
5. Cones are supported by wood slats. Construction equipment, often on trailers, driven out and backed into the Hughes north driveway repeatedly broke slats (slats 2 feet long & some 12x12 inch flat boards). Slat enable water-flow space between the cones and the drain opening. Storm water from the road & Hughes front yards drain into our pipe, the lowest part of our place, so it doesn't come into our home.
6. Our drain pipe is located where it best channels water away from our home. It is located in the lowest area. Our drain is where it needs to be to protect our home and drain the Hughes storm water.
7. Foam insulation was sprayed into our drain pipe & plugged 2 feet. Water didn't drain, flowed past the pipe & into our front yard, coming within 12 to 15 feet of our home (August 2021). The next day WB City Public Works forced the foam out of the pipe.
8. He cut OUR storm drain pipe which is 9 inches inside our park-strip.
9. Using a backhoe, he pushed rocks, too heavy to lift, from his yard into ours so he could put up his wall.
10. Round balls of chewed pink bubblegum are secretly placed on our walkway. The most recent was last month. One gob was removed with scissors & ice from our home dining room carpet by an 82 year old great-grandmother on her hands and knees. Frustrating!

West Bountiful City
Planning Commission Meeting

October 25, 2022

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 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:

<i>Mike Cottle- Aye</i>	<i>Corey Sweat- Aye</i>
<i>Alan Malan- Aye</i>	<i>Laura Mitchell- Aye</i>
<i>Dennis Vest- Aye</i>	

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