

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 REGULAR MEETING
AT 7:30 PM ON TUESDAY, FEBRUARY 28, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Sweat;
Pledge of Allegiance – Commissioner Cottle.
2. Confirm Agenda.
3. Conditional Use Application for a Home Occupation for Harrison Fire Services at
740 N 800 West – John Salmon
4. Consider Clarifying Meeting Minutes from November 15, 2022.
5. Meeting Minutes from January 24, 2023.
6. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
7. Adjourn.

*This notice has been sent to the Davis Journal and was posted on the State Public Notice Website
and the city website on February 24, 2023, by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commissioners

FROM: Staff

DATE: February 24, 2023

RE: Home Occupation for Harrison Fire Services – 740 N 800 West - John Salmon

This memo reviews the home occupation and conditional use applications for Harrison Fire Services.

Background

Harrison Fire Services was previously owned by West Bountiful resident, Foster Harrison, as a home occupation business located at 581 N 660 West and licensed since 2011. The business was apparently sold to John Salmon, at 740 N 800 West, sometime in the past year.

Staff became aware of the change in ownership and requested Mr. Salmon to submit a home occupation business license application, which was received on February 16, 2023. After staff review of the application and an objection by neighbor, Tonya Schenk, staff asked Mr. Salmon to submit a conditional use application which was received on February 24, 2023.

Harrison Fire Services is a fire extinguisher sales and service company. According to the home occupation and conditional use applications, the hours of operation are 7am – 6pm, and 99% of activity is done at the customer site, although some customers may come to the home to have fire extinguishers inspected 3-4 times per month. Inventory, consisting of 20 portable fire extinguishers and 80 lbs. of dry chemicals (non-hazardous), is stored in a detached garage taking approximately 150 sq. ft. of the 600 sq. ft of the building.

A unique situation related to this home occupation is that the Salmon home is located behind Ms. Schenk's home with her 20ft wide and 176 ft long driveway as the only access to the home. The Salmon's have an easement agreement, dated October 2013, giving them a "*non-exclusive right of way for ingress and egress and incidental purposes...*" The city views any issue with the access easement to be a private issue. However, for purposes of a conditional use home occupation, staff views this property as a flag lot with a non-conforming access.

Applicable Codes

The following sections of West Bountiful Municipal Code (WBMC) are pertinent to the applications:

- [WBMC 5.28](#) Home Occupations
- [WBMC 17.24](#) Residential District, R-1-10
- [WBMC 17.60](#) Conditional Use Permits

Objections

Mr. Salmon provided notice of his application to surrounding neighbors. The only objection received by the city is from Ms. Schenk – see attached.

Review

WBMC 5.28 outlines the requirements for home occupations. A conditional use permit/planning commission review is required if the request conflicts with listed requirements or the city recorder determines that approval without additional conditions may conflict with the intent of the code.

Based on a review of the materials submitted, staff raises the following issues as related to Home Occupations - [WBMC 5.28](#):

- A. 5.28.040 K. – Traffic related to deliveries of vehicles and parts may conflict with the residential nature of the property and neighborhood.
- B. 5.28.040.L – The business may be a nuisance or cause undue disturbance to the neighborhood.
- C. 5.28.040 M. – There is some evidence that the operation of the business to this point has disturbed the peace and quiet of the neighborhood by way of traffic from deliveries and customers.

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

If the planning commission determines that potential detrimental effects of the business can be mitigated, staff recommends consideration of the following conditions to mitigate possible reasonably anticipated detrimental effects of the proposed use.

Detrimental Effect 1: Driveway Access to the Business is Not Up to Code.

1. Additional traffic on the driveway poses an emergency access risk.
2. Proposed condition: To avoid future problems, delivery trucks with larger than 19-ft wheelbase should not use the driveway and will park on the street.

Detrimental Effect 2: Customer Difficulty Locating Business Address

1. Proposed condition: An address sign will be placed at the entrance to the driveway indicating the numerical address and that the home is in the rear of the property.

Detrimental Effect 3: Commercial traffic disturbs residential neighborhood. Home occupations should not have deliveries in greater frequency or severity than normal residents.

1. Proposed condition: Business traffic to be limited to 3 vehicles per week.
2. Business traffic will be limited to customer personal vehicles and normal delivery vehicles.
3. Business traffic will be limited to the hours of 8 am and 6 pm Monday-Friday.
4. Customers and delivery drivers will be given specific instructions as to the location of the business, so they do not disturb neighbors.

General Home Occupation Conditions:

1. Business equipment in the detached garage will not exceed 25% of the total building space.
2. No signage will be used for the business.
3. No employees that do not reside in the home.

Recommendation:

The purpose of the R-10 District states that the city's regulations are intended to preserve and enhance residential character and lifestyle. This includes disturbances to and safety of neighbors. Due to the unique access situation of this business, careful consideration must be given to determine if reasonable conditions can effectively mitigate the detrimental effects of the business.



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: 740 N 800 W

NAME OF BUSINESS/USE: Harrison Fire Services

PARCEL NUMBER: _____ ZONE: _____ DATE OF APPLICATION: 2/22/23

Applicant Name: John Salmon

Applicant Address: 740 N 800 W, West Btf

Primary phone: 801-540-3189

E-mail address: john@harrisonfire.net

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.

operation of home-based business - fire extinguisher
services. Average 3 or 4 private passenger vehicles per
month. No large trucks. 98% of business is
conducted at customer site.

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: 2/22/23

Applicant Signature: John Salmon

Application Received Date: 2/22/23

Application Fee Received Date: X

Permit Approval: _____

FOR OFFICIAL USE ONLY

Permit Number: 23-002

Fire Inspection Date: _____

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):

Resident/Business Owner's Name: John Salmon

Physical Address: 740 N 800 W

West Bountiful, UT 84087

Mailing Address, if different than above: _____

Email address: john@harrisonfire.net

Primary Phone: 801-910-3245 Emergency Phone: _____

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

Business Information:

1. Name of business: Harrison Fire Services

State ID #: 15049567-002-WTH

State Sales Tax #: 15049567-003-STC

Federal Tax ID #: 85-1121123

Other Required Licenses #: _____

(Depending on type of Business)

2. Describe the proposed business activity:

Fire extinguisher sales & service

3. Hours of Operation: 7am-6pm

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

John Salmon only

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:

Detached garage to store some minimal inventory

150 sq ft. 99% of activity/operations done at customer site. Not here.

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:

20 portable Fire extinguishers stored in garage detached

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.

80 lbs dry chemical stored in det. garage

Non-hazardous

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.

2 times per month customer may come to our home to have an extinguisher-inspected

9. If any vehicles or other equipment will be used as part of your home occupation, where will they be parked or stored? 12 ft. trailer stored in side driveway

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain, including frequency: see # 8 private vehicles

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 _____ 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? Yes If no, please explain: _____

Applicant Certification:

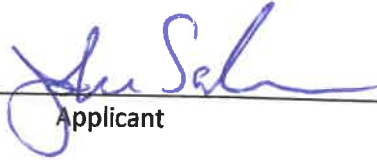
I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well.

I acknowledge that before this application may be approved, I must provide written 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: 1/30/23

Sign Here: 

Applicant

Rec'd 2/16/23

FOR OFFICIAL USE ONLY

Application Fee (\$15) Received:

Fire Inspection, if needed:

Health Dept. Inspection, if needed:

Neighbor's Notification Complete: 2/15/23

Approval Date:

Conditional Use Permit Required: X

Conditional Use Permit Approved:

Protests Received: 2/22/23 - Schenk

NOTICE TO NEIGHBORS

Date of Notice:

2/15/23

<u>Address</u>	<u>Name</u>	<u>Type of Notification</u>
695 N 750 W	Jake Tripp	text
752 N 800 W	Tonya Schenk	text
683 N 750 W	Rob Page	text
702 N 800 W	Bonnie Warner	text
730 N 800 W	Ben Savage	text
729 N 800 W	Bryce Jorgensen	written
739 N 800 W	Jeremy Larkin	written
788 N 800 W	Adam Winegar	written

I HEREBY CERTIFY THAT I PROVIDED WRITTEN NOTICE TO THE OWNERS OF PROPERTIES 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:

2/15/23

Sign Here:



Applicant

February 22, 2023

I'm writing in opposition to granting Johnny Salmon a business license for Harrison Fire Services for the following reasons:

1. **Easement** - I should not have to compromise my home, property, safety, finances and time to appease Salmon's personal business interests that extend beyond his home and now impact mine due to the easement. And quite frankly, Salmon should have run his due-diligence, notified me as the property owner of the easement and obtained a business license prior to purchasing Harrison Fire Services back in 2022. Customers now drive through my property in order to get to Harrison Fire Services. Operating a business, in this case, extends beyond the rights of an easement holder to "enjoy the easement..." (by definition) and places a burden on me as the property owner. I do not approve of Salmon operating a business with customers accessing his business via the easement.
2. **Property Damage** - On January 24, 2023 one of Salmon's customers backed into my fence causing over \$1K in property damage (photo #1). In this instance, Salmon took zero responsibility or common courtesy to notify me of what happened and instead gave my cell# to a complete stranger who was then knocking on my door and texting me at 10pm!! I'm now having to negotiate repairs with contractors, dealing with the guy involved and living with the damage until repaired. Furthermore, Salmon has never once and still hasn't had the common neighborly decency to talk to me about the accident that night, offer an apology or even to help to resolve the damage. It's important to note that this is not the first time he has directly/indirectly damaged my property and taken zero responsibility. Based on his behavior, I can guarantee that this will be the case going forward on any and all future damage which will inevitably occur as he operates his business. Salmon has demonstrated over the past 7 years, since I bought my home, that he has zero consideration for anyone but himself. Any and all property will fall to me.
3. **The business will inevitably cause additional wear and tear** on the easement above and beyond current traffic and I will be held responsible for repairs.
4. **Commercial Delivery Trucks** now drive on the easement to access Harrison Fire Services.
 1. See (photo #2) 2/15 @ 10:36am
 2. In this instance, no one was available for his delivery, the driver had no idea where to go, he was walking up and down my driveway, looking around = Lost.
5. **The business address** of Harrison Fire Services on google maps indicates my home and I do not want my home listed as the location of his business. It's very misleading and I have a right to my privacy. (Photo #3)
6. **My personal safety** - Harrison Fire Services invites complete strangers onto my property that would not otherwise be here.
7. **Property & home security** - Again, Harrison Fire invites strangers onto my property that would otherwise not be here. I have an open carport and property.
8. **My Property Value** - Concerned over how this will impact my ability to ever sell my home in the future with a business accessing the easement and being operated in the back of my home. There is the potential of degrading the value of my home and my ability to sell in the future.

I appreciate your time and hope that thorough consideration is given in this unique situation of an easement where I (as the property owner) should not have to compromise my property, home and safety due to the self-interest of the easement holder. In closing and in addition to the points listed above, this in my home! and I take tremendous pride in my home and property. I have a right to enjoy my safety, home & property and I strongly oppose granting Salmon a business license required to operate Harrison Fire Services.

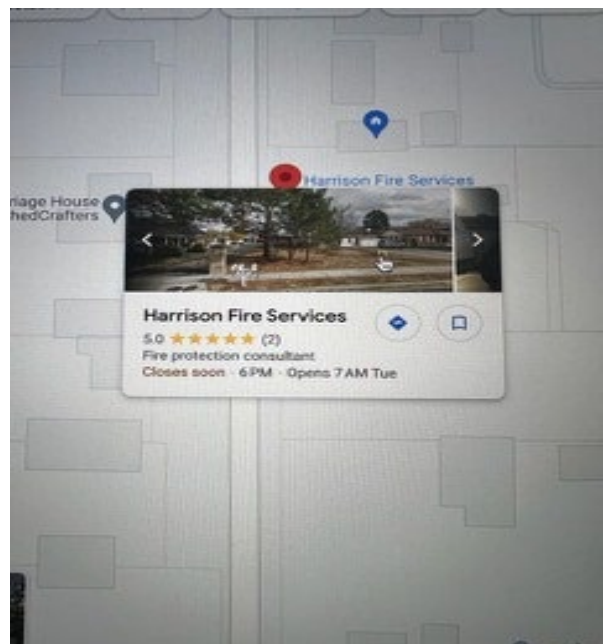
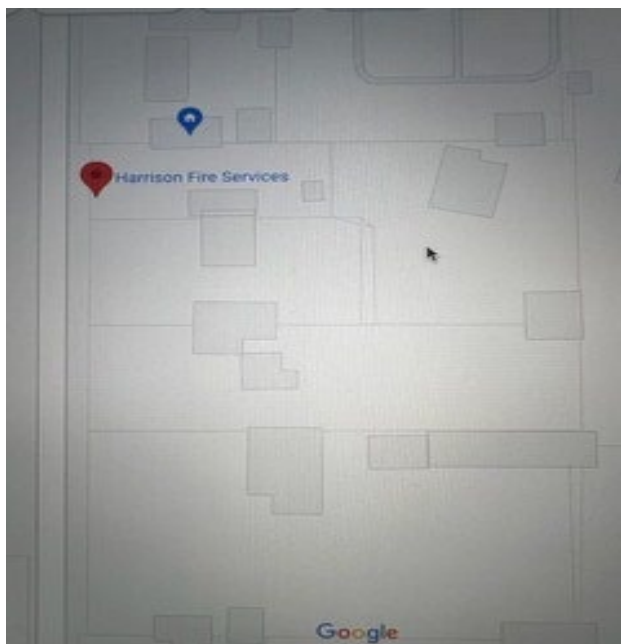
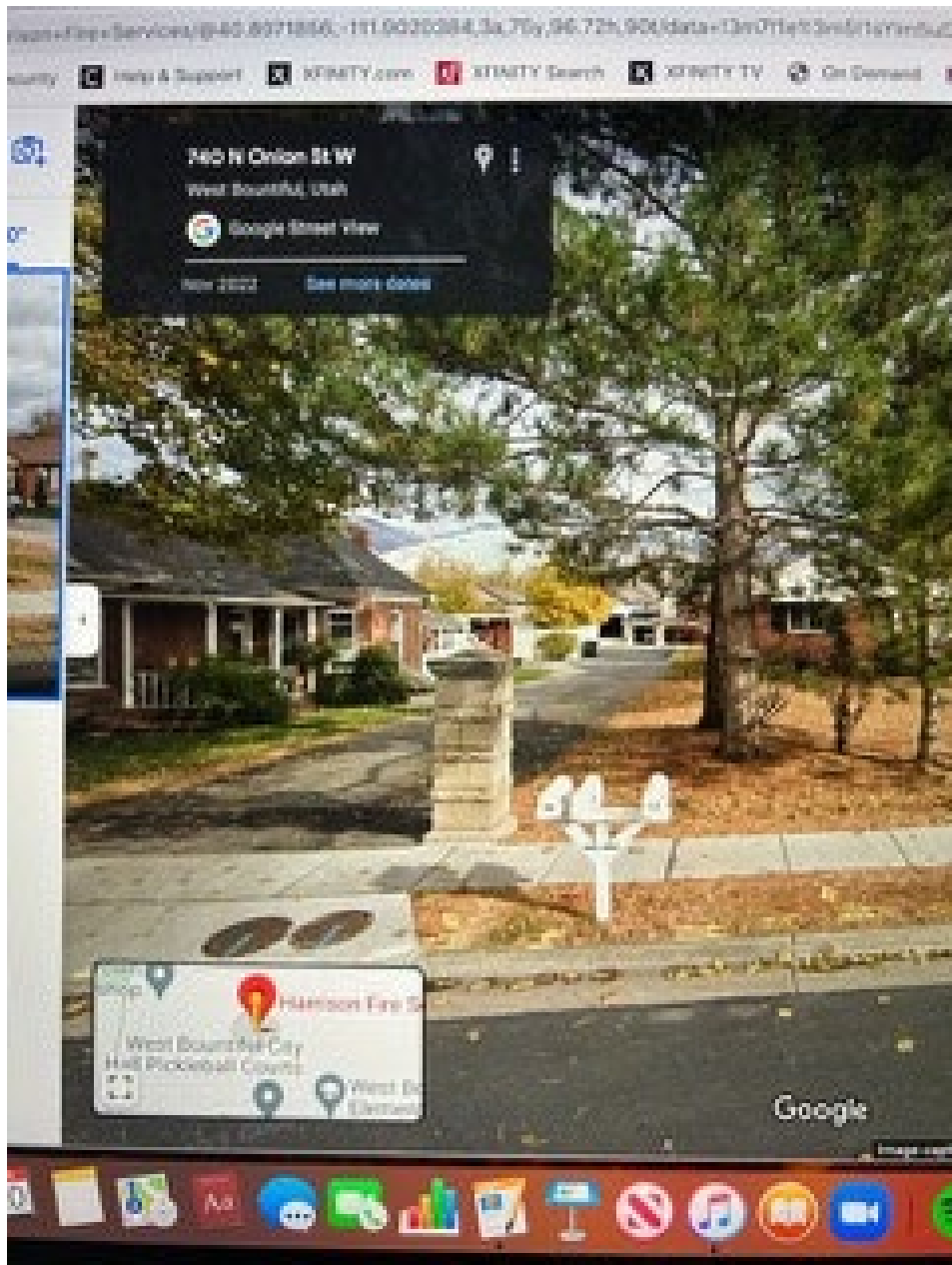
Thank you,
Tonja Schenk

Photo #1 Jan. 24, 2023



Photos #2 & #3 Feb. 15, 2023







MEMORANDUM



TO: Planning Commissioners

DATE: February 24, 2023

FROM: Kris Nilsen & Cathy Brightwell

RE: Correction to Planning Commission Minutes Dated November 15, 2022

This memo explains staff's proposal to clarify the minutes from November 15, 2022, related to the Conditional Use Permit/Home Occupation Business License for Spencer Hughes.

Background

During discussion of the Conditional Use Permit application for Spencer Hughes' home occupation business license, the minutes reflect comments (at the top of page 4) made by Kris Nilsen, City Engineer. The first comment relates a conversation he had with the surveyor about the property line between the Hughes and Ingles properties, and the second about drainage onto the Ingles' property.

Mr. Ingles submitted a letter to Chairman Malan on February 6, 2023, stating that the comments in the minutes are problematic to him and he does not believe they are accurate.

Discussion

The language in the minutes about the location of the property line has been interpreted by Mr. Ingles to say that some type of formal Agreement was made that he is not aware of, and he is concerned it could change his property description especially as it relates to his Trust. Kris's comments were referring to a conversation he had with the surveyor (and Mr. Hughes) explaining that they agree to Mr. Ingles' location of the south property line.

The language about Mr. Ingles' drainage pipe omitted Kris's comment about the need for a swell to help divert water to the pipe.

The changes highlighted below clarify the minutes to match the discussion and should alleviate any concerns of the Ingles.

"Chairman Malan asked how he plans to rebuild the retaining wall while not disturbing Mr. Ingles property. Mr. Hughes stated that it may be difficult, but he believes he can build the wall while remaining on his side.

Kris Nilsen noted that he spoke to the surveyor and ~~Mr. Hughes, reported that the Hughes and Ingles have come to an agreement and they agree with~~ the location of the property line as stated by Mr. Ingles. He also noted that a pipe Mr. Ingles placed in the street right of way ~~and going along the property line is not needed for drainage~~ needs a drainage swell on the shoulder to divert drainage into the pipe. The building permit has been approved and has a drainage design included.

Mr. Ingles said that water from the Dwayne Hughes and Spencer Hughes properties come to his property, and he placed the pipe to divert it away from his home.”

Recommendation

Meeting minutes are intended to be summaries of discussion, not word for word accounts of everything that was said. The two issues of concern to Mr. Ingles are not critical to the conditional use discussion and could be deleted, but staff recommends that the changes discussed above be made to the November 15, 2022, planning commission minutes in an attempt to clarify what was said.

Alan Malan, Chairman
West Bountiful City Planning Commission

February 6, 2023

Cc: Kenneth Romney, Mayor
West Bountiful City

RE: November 15, 2022 Planning Commission meeting minutes:

Please read the paragraph in the November 15, 2022 Planning Commission meeting minutes that begins with "Kris Nilsen": "Kris Nilsen noted that he spoke to the surveyor and reported that the Hughes and Ingles have come to an agreement on the location of the property line." The Ingles property is in a trust, and our attorney is Felshaw King. Neither of us has been notified of an agreement. We hereby request a complete written narration, with full explanation and associated documents, of the agreement and all conversations Kris Nilsen, and/or other City officials, had with the surveyor regarding "an agreement on the location of the Ingles property line". We ask that these be sent to Attorney Felshaw King at his Law Office of "King and King, Attorneys at Law", in Kaysville City, Utah, with a copy to Bud and Jeanette Ingles in West Bountiful. The Ingles are not aware of any agreement(s) on the location of the original property line that has been in place since the early 1970s and owned by the Ingles since 1975.

In that same paragraph, the next sentence is Nilsen's position on the Ingles drainage pipe. He stated that the drainage pipe is "not needed". Enclosed are some pictures of flooding of Ingles and neighbors properties. After purchasing Jacob Hayden's property, Hughes trucked in dirt and rocks that damned drainage that had flowed west on both the south and north sides of Hayden's home. There is an extensive history of flooding that property owners on the west side of 1100 W. have had to deal with. West Bountiful City and the property owners adopted a "drainage easement" to take care of the water. We ask that a moratorium be placed on the City's current effort regarding our drain pipe. Our pipe has saved our home and kept water from flooding us, water from 1100 W. Street and from the Hugheses' Front yards. Water from these flow from south to north on the west side of 1100 W. and drain into Ingles pipe. We hereby request the Nilsen "drainage design" mentioned in the minutes be set aside.

Thank you.

Bud and Jeanette Ingles
1485 North 1100 West

West Bountiful City

January 24, 2023

Planning Commission Meeting

PENDING – NOT APPROVED

Posting of Agenda - The agenda for this meeting was posted on the Utah Public Notice website, on the West Bountiful City website, and at city hall on January 20, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 24, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

VISITORS: Aimee & Adan Hinojosa, Dannie McConkie, Jim Neuschwander, Janet & Ride Lee, Deby Marshall, Cathy Nelson, Dianne Dransfield, Amy Paget, Richard Paget, James Ahlstrom

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

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

2. Confirm Agenda

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

3. Conditional Use Application for a Home Occupation for Auto Italia Repairs at 638 North 660 West – Aimee & Adan Hinojosa

Commissioner packets included a memorandum dated January 20, 2023, from staff, regarding a conditional use application for a home occupation business for Auto Italia Repairs at 638 N 660 West from Aimee & Adan Hinojosa with attached applications, neighbor notices, photos, and letter of proposal from applicant.

Cathy Brightwell provided a summary:

- Auto Italia is a commercial auto repair business, previously licensed and located at 1116 W 500 South.
- Sometime around December of 2022, the business began operating out of a detached shop/garage at the residential property located at 638 N 660 West.
- Owners/employees of the business do not reside at the property, so operating any business out of the shop is a violation of West Bountiful Municipal Code.
- Staff alerted the owners of the business and the owners of the property of this violation and instructed them to cease operations.

- The owners of the business have applied for a home occupation license and an accompanying conditional use permit with the intent to become compliant with city code.
- The operation of the business has been the source of complaints to the city from several individuals.

Cathy further summarized the details of their applications:

1. The applicants intend to purchase and reside at the property.
2. The only employees of the proposed business are the two owners.
3. Customers are by appointment-only.
4. They intend to use 500 square feet of the 2,000 square feet detached shop for auto repair/business purposes, which they estimate is enough room for two vehicles.
5. They intend to store up to five customer vehicles outdoors behind the shop.
6. No street parking will be used by customers.
7. They estimate daily traffic at "1-3 people" for customers.
8. An office will be within the residence.
9. Accompanying images show a proposed "privacy fence", but no details are explained.
10. Traffic related to deliveries is not mentioned.
11. Photographs show an unpaved driveway to the shop.
12. No map showing customer and resident parking was provided.

Ms. Brightwell noted that the city continues to receive complaints from multiple neighbors, some of whom do not want to give their names because of relationships with the Hinojosa's and their family members. The majority of the complaints relate to increased traffic, especially by auto parts delivery and tow truck vehicles. Noise from these vehicles is also a concern. Neighbors complain about safety and turning the neighborhood into a junk yard. These complaints raise concerns about how this business may change the residential nature of the neighborhood.

Discussion:

Chairman Malan stated there are two clear violations of the city's home occupation business license code - the applicants do not live on the property and cars parked in the backyard are considered outside storage. Due to these violations, he is concerned that moving forward with the applications is not appropriate.

Aimee Hinojosa read from the letter presented in the packet which explained their intent to purchase the home and live on the property once the current owner completes a remodel. She described the business and their business plans. She talked about their intent to install a cement pad so vehicles can be parked on the pad outside the shop until repair is completed. There will be no street parking. An office inside the home will be used to invoice customers online. Deliveries are minimal and are in regular-size parts delivery trucks. Tow trucks may be used to deliver an inoperable car occasionally. Noise would not be any more than the current traffic on the highway or trains on the tracks. She spoke of removal of fluids being done in a safe manner using the same methods they used in their commercial location. They desire to comply with all safety requirements and city code regulations. She added that she enjoys working in the yard and has plans for beautifying the property. There are future projects planned to upgrade the property including a fence across the driveway that will limit visibility of the business from the street. Customers would be 1-3 persons per day. She noted that even if the business is not approved, she and her family intend to purchase and live on the property.

Mrs. Hinojosa gave examples of some serious harassment they have received from people that do not live in the general area and do not like them. This conflict has been going on for some time.

Chairman Malan apologized for any negative activity and expressed that it does not have a place in West Bountiful. He explained that the commission must follow city code regarding their home occupation business license which does not allow them to approve it at this time. He suggested they can resubmit their application noting the changes that would need to be made including living on the property.

Mr. and Mrs. Lee, the current owners of the property, stated that the home should be available for occupancy within 30 days.

Mr. and Mrs. Hinojosa requested that their application be tabled so they can correct the issues necessary in their current application.

Kris Nilsen noted an earlier request for flag lot on the property by the current owners caused concern by the fire marshal about not having a close hydrant to reach the rear of the property. He recommends that issue be addressed in future filings, as well.

Corey Sweat agreed with Chairman Malan that they cannot currently approve the applications. He referred the applicants to the staff memorandum that lists the items they need to comply with and invited them to reapply when they can comply with city code and regulations.

Laura Mitchell stated that it is possible many things could be mitigated once they become residents of the property and receive fire marshal approval.

Cathy Brightwell suggested that any future filings by the applicants address indoor and outdoor parking as well as traffic to and from the property. She also requested a list of their personal vehicles to have on file.

Mr. Hinojosa stated that the cars on the property presently belong to him. He uses the Sprinter Van daily. All cars he works on are stored inside the building unless they are being picked up that day.

Amy Paget, a neighbor at 600 W 1000 North, spoke in support of this family business.

Action Taken:

Corey Sweat moved to table the Conditional Use application for a Home Occupation for Auto Italia Repairs at 638 N 660 West for Aimee & Adan Hinojosa. Laura Mitchell seconded the motion and voting was unanimous in favor.

4. Public Hearings:

- a. New Model Home Ordinance, WBMC Chapter 17.74**
- b. Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76**
- c. Clean-up Corrections and Updates to Miscellaneous Land Use Regulation in WBMC Title 16-17.**

A. New Model Home Ordinance, WBMC Chapter 17.74

Action Taken:

Corey Sweat moved to open the public hearings for public comment at 8:15 p.m. for the new model home ordinance, WBMC Chapter 17.74. Laura Mitchell seconded the motion and voting was unanimous in favor.

Ms. Brightwell gave a brief explanation of the proposed Model Homes/Sales trailer ordinance that was reviewed at the last meeting noting the changes that were made. She also commented that there was concern with a past model homes that they did not sign up for utilities once the home was completed. This is typically done when a home is purchased so the additional water use from visitors to the model home was not covered.

No Public Comment was made.

Action Taken:

Laura Mitchell moved to close the public hearings for public comment at 8:17 p.m. Corey Sweat seconded the motion and voting was unanimous in favor.

B. Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76

Action Taken

Corey Sweat moved to open the public hearings for public comment at 8:18 p.m. regarding Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76. Mike Cottle seconded the motion and voting was unanimous in favor.

Cathy Brightwell summarized the proposed changes and updates to the Swimming Pool Ordinance, noting the updates from the January 10, 2023, meeting. The Commission agreed to the proposed setback changes, rejected the proposed fencing exception, and recommended changing the height for fences surrounding swimming pools from 6-feet to 4-feet.

Public Comment:

Amy Paget inquired why the city would want to lower the swimming pool fence requirement to 4 feet. Chairman Malan responded that they are following state regulations. She also asked if there are any regulations about pumping the swimming pool water onto the ground surface. Kris Nilsen explained the ground water has to be unpolluted but is allowed.

Action Taken:

Laura Mitchell moved to close the public hearings at 8:20 p.m. Mike Cottle seconded the motion and voting was unanimous in favor.

C. Land Use Corrections to Titles 16 & 17

Ms. Brightwell explained that Sections of Titles 16 & 17 have been identified as not being consistent with the state Land Use, Development, and Management Act (LUDMA) UCA 10-9a. A redline draft correcting the inconsistencies were reviewed by planning commission at its previous meeting and are recommended for approval.

Cathy Brightwell explained to the public that state code has changed over the years, and they are just updating their code to meet state code.

Action Taken:

Laura Mitchell moved to open the public hearings at 8:21 p.m. for Land Use Corrections to Titles 16 & 17. Dennis Vest seconded the motion and voting was unanimous in favor.

No Public Comment was made.

Action Taken:

Laura Mitchell moved to close the public hearings for public comment at 8:22p.m. for Land Use Corrections to Titles 16 & 17. Corey Sweat seconded the motion and voting was unanimous in favor.

Commission Comments and Action Taken on the Public Hearing Items:

A. New Model Home Ordinance, WBMC Chapter 17.74

Commissioners reviewed the proposal, discussed concerns, and concluded with their support.

Action Taken

Corey Sweat moved to forward the new Model Home Ordinance to the City Council with a positive recommendation and to add language that the owner would sign up for utilities once construction was complete. Laura Mitchell seconded the motion and voting was unanimous in favor.

B. Updates to the Swimming Pool Ordinance, WBMC Chapter 17.76

Commissioners reviewed the proposal and concluded with their support.

Action Taken:

Laura Mitchell moved to forward the updates regarding the Swimming Pool Ordinance to the City Council with a positive recommendation. Corey Sweat seconded the motion and voting was unanimous in favor.

C. Clean-up Corrections and Updates to Miscellaneous Land Use Regulation in WBMC Title 16-17

Commissioners reviewed the proposal and concluded with their support.

Action Taken:

Corey Sweat moved to forward the Clean-up Corrections and Updates to Miscellaneous Land Use Regulation in WBMC Title 16-17 to the City Council with a positive recommendation. Mike Cottle seconded the motion and voting was unanimous in favor.

5. Consider Meeting Minutes from January 10, 2023

Action Taken:

Corey Sweat moved to approve the minutes from January 10, 2023, as presented. Dennis Vest seconded the motion and voting was unanimous in favor.

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- Public Works building is sheet rocked and things are getting finished up. He suggested commissioners drive by and check it out.
- Google fiber is still busy throughout the city. Only two crews are working at this time. Services are expected to begin in the south part of the city in a couple months.
- 400 North well is up and running. Fluoride issues are still being addressed.

- This is a municipal election year and city council candidate filings for the three (3) open seats will be the first week in June. She noted that Davis County will handle the election again this year and she feels our voting system is safe and secure. Seven (7) candidates will warrant a Primary.
- Kris and Cathy went to the county on a pending annexation property located on Pages Lane. The county has offered to take the lead to contact other properties around that area to encourage them to join the petition to annex into the city.

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:53 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

Cathy Brightwell – City Recorder