

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, JANUARY 24, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Mitchell;
Pledge of Allegiance – Commissioner Malan.
2. Confirm Agenda.
3. Conditional Use Application for a Home Occupation for Auto Italia Repairs at 638 N
660 West – Aimee & Adan Hinojosa
4. Public Hearings and Consider Recommendations to City Council:
 - 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 Regulations in
WBMC Titles 16 and 17.
5. Consider Meeting Minutes from January 10, 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 January 23, 2023, by Cathy Brightwell, City Recorder.*

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.

6. Staff Report

a. Engineering (Kris Nilsen)

- 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.

b. Community Development (Cathy Brightwell)

- 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.

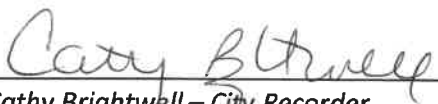
7. Adjourn.

Action Taken:

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.

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The foregoing was approved by the West Bountiful City Planning Commission on February 28, 2023 by unanimous vote of all members present.


Cathy Brightwell – City Recorder