

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

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

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, 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.*

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 February 24, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 28, 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: Deby Marshal, Kassie Salmon, Bud and Jeanette Ingles, Tonya Schenk, Paul Giles, Amy Paget

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

3. **Conditional Use Application for Harrison Fire Services at 740 N 800 West – John Salmon**

Commissioner packets included a memorandum dated February 24, 2023, from staff regarding a Conditional Use Application for Harrison Fire Services for John Salmon at 740 N 800 W with attached copies of the Conditional Use Permit and Home Occupation Business License Application, Notice to Neighbors, Letter of Opposition from Tonya Schenk with photos, and a site plan of the property.

Cathy Brightwell reviewed the home occupation and conditional use applications for Harrison Fire Services. She stated that the Harrison Fire Services was previously owned by West Bountiful resident, Foster Harrison, as a home occupation business located at 581 N 660 West 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.

Ms. Brightwell pointed out that 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.

If the planning commission determines that potential detrimental effects of the business can be mitigated, staff recommends consideration of the following conditions. These conditions were reviewed and discussed by staff and the commissioners.

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

- 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.

Cathy Brightwell noted that Mr. Salmon was not able to be here this evening and read an email he sent stating that he would comply with the recommended conditions. His wife Kassie Salmon was in attendance should they have questions.

Kassie Salmon took the stand and noted that the big truck pointed out in a picture provided by her neighbor, Ms. Schenk, was not supposed to be there. It was a miscommunication and has not happened since. Mrs. Salmon explained that they have six respectful children and six drivers and that produces a lot of traffic going in and out of the driveway. She noted that they maintain the easement at their own expense and try very hard to be sensitive to the disruption that can come from such traffic.

Regarding the suggestion that an address sign be placed somewhere to clarify the location of their property, there was discussion about where it might be located. As the mailbox is on private property, a standalone sign cannot be installed but something could be placed on the mailbox and their post. It was suggested that the house number and the language "Rear" be placed on the mailbox.

Tonya Schenk took the stand and stated that she loves West Bountiful and respects the city. It is important to her to preserve her property and protect it against damage. She is not happy that the Salmon's are running a business that requires use of her driveway. She was upset about the damage to her fence and that the driver was knocking at her door late at night.

In response to comments from the commission that she talk with her neighbors to work out their differences, she said she hopes they can work out a solution, but they haven't been able to in the past seven years.

Action Taken:

Corey Sweat moved to approve the Conditional Use Application for a Home Occupation for Harrison Fire Services at 740 N 800 W for John Salmon with the following findings from WPMC 17.60.040

- ***The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;***
- ***The proposed use will conform to the intent of the city's general plan;***
- ***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.***

The following conditions will be required:

- ***An address sign will be placed on the mailbox or post at the entrance to the driveway indicating the numerical address and that the home is in the rear of the property.***
- ***Business traffic will be limited to 3 vehicles per week.***
- ***Business traffic will be limited to customer personal vehicles and normal delivery vehicles.***
- ***Business traffic will be limited to the hours of 8 am and 6 pm Monday-Friday.***
- ***Customers and delivery drivers will be given specific instructions as to the location of the business, so they do not disturb neighbors.***
- ***Business equipment stored in the garage will not exceed 25% of the total building space.***
- ***No signage will be used for the business.***
- ***There will be no employees that do not reside in the home.***

Laura Mitchell seconded the motion and voting was unanimous in favor.

4. Consider Clarifying Meeting Minutes from November 15, 2022

Commissioner packets included a memorandum dated February 24, 2023, from Kris Nilsen & Cathy Brightwell regarding a correction to planning commission minutes dated November 15, 2022, and a letter Mr. Ingles submitted 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.

Mr. Nilsen explained that during discussion of the Conditional Use Permit application for Spencer Hughes' home occupation business license, the minutes summarize comments (at the top of page 4) made by him. The first comment relates to 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. Nilsen explained 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 stated that his 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. And, the language about Mr. Ingles' drainage pipe omitted Kris's comment about the need for a swell to help divert water to the pipe.

Staff's proposed changes highlighted below are intended to 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 on 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."

Cathy Brightwell stated that 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 proposed changes be made to the November 15, 2022, planning commission minutes to clarify what was said.

Mr. Ingles took the stand and passed out a packet of paper to the commissioners. He thanked them for their service and said it is important for them to understand his concerns. He re-stated his position that the property line has been set for many years and the survey did nothing to change the property line. He is concerned because minutes are a public record, and he does not want anyone to think he agreed to something he did not agree to, especially when referred to as an "Agreement." Ms. Brightwell pointed out that the language in the minutes has nothing to do with Mr. Hughes' conditional use permit and therefore is not relevant to the discussion and could be deleted in its entirety.

Mr. Ingles raised a second issue pertaining to the water drainage. He is concerned with the water that enters his property. He is grateful for the ditch that drains the water from his property. He stated that all water from the front of the property goes west to a drainage area behind his home and then on to Pages Lane. Kris Nilsen clarified that the city maintains the outlet that goes onto Pages Lane.

A third issue Mr. Ingles raised had to do with putting up a vinyl fence along the property which was suggested at the earlier meeting. He said they were willing to do so but the gravel makes it difficult.

Discussion took place regarding what language to remove from the minutes given it was not a word for word account of the discussion and not relevant to the decision for Mr. Hughes' conditional use permit.

Action Taken:

Laura Mitchell moved to strike the language of concern to Mr. Ingles in the November 15, 2022, planning commission minutes as it is not relevant to the decision made to approve the conditional use permit and business license for Mr. Hughes. Dennis Vest seconded the motion and voting was unanimous in favor.

5. Consider Meeting Minutes from January 24, 2023

Action Taken:

Corey Sweat moved to approve the minutes from January 24, 2023, as presented. Laura Mitchell seconded the motion and voting was unanimous in favor.

6. Staff Report

a. Engineering (Kris Nilsen)

- Google is still going strong with their internet project despite the weather. There will be a thorough inspection before the project bond is released and all property damage will be fixed.
- The 400 North well water was recognized as the State's best tasting water and nationally as one of the best tasting waters.
- The new Public Works facility should be 90% done in March and finalized in April.
- Corey Sweat noted that a development group is pushing land use issues in Summit County/Park City and encouraged everyone to become aware of this issue so we can prepare if they come our way. Cathy noted a legislative bill that looks like it will pass regarding how subdivisions will be approved. She said it should not affect how we have been doing things but will require us to update our ordinance.
- Ivory Homes is still working on its final plat for Phase 1 of Belmont Estates.
- Kris noted the request by Commissioner Mitchell to check mud debris on 1100 West by Mountain View subdivision.

b. Community Development (Cathy Brightwell)

- The County is contacting property owners encouraging them to annex into the city. There are two areas they are focusing on – north of 1200 N and west of 1100 W, and west of 1450 W below 400 North. They have stated they are willing to pay the plat fees for these projects.
- Poki Bowl and Penny Anne's Café have recently opened up new restaurants in West Bountiful.

7. Adjourn.

Action Taken:

Mike Cottle moved to adjourn the regular session of the Planning Commission meeting at 8:30 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 March 14, 2023, by unanimous vote of all members present.


Cathy Brightwell – City Recorder