

Mayor
Kenneth Romney

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

**Community
Development**
Addison Jenkins

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
Dell Butterfield
Laura Mitchell
Corey Sweat
Dennis Vest

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 28, 2023, AT THE CITY OFFICES.

1. Prayer/Thought – Commissioner Malan;
Pledge of Allegiance – Commissioner Sweat.
2. Confirm Agenda.
3. Conditional Use Permit Application –Flag Lot at 647 N 800 West
4. Meeting Minutes from November 14, 2023.
5. Staff reports
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Addison Jenkins)
6. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org),
and provided to the Davis Journal on November 9, 2023, by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: November 21, 2023

FROM: City Staff

RE: Conditional Use Permit – Flag Lot at 647 N 800 West - Troy Salmon

This memo introduces an application for a conditional use permit for a flag lot at 647 N 800 West.

Background

Troy Salmon is under contract to purchase the nearly 1-acre parcel located at 647 N 800 West. He intends to subdivide the parcel into two lots, and build a new home on a second lot. Prior to completing the purchase and with the consent of the current owner, he is requesting approval for a flag lot.

There is currently one home on the parcel, and the parcel does not have sufficient frontage for an additional lot without the approval of a flag lot.

Review

A list of the city's minimum criteria for flag lots and determination of whether the current proposal meets the requirements are listed below. '**In Compliance**' indicates the proposal meets requirements.

WBMC 16.12.060 - *Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:*

1. *The staff of the lot shall not be less than twenty feet (20') wide and shall not exceed the design length requirements for a cul-de-sac. **In Compliance, it is proposed to be 20 ft wide and 140 ft long.***
2. *The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street. **In Compliance.***
3. *The staff of the lot shall be owned, fee simple, as part of the lot. **In Compliance.***
4. *The staff of the lot shall approach the public street at an angle of not less than 80°. **In Compliance.***
5. *The staff of the Flag lot cannot extend from intersections, street corners, or cul-de-sacs. **In Compliance.***
6. *The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The staff area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat. **In Compliance.***
7. *Flag lot must comply with fire code requirements including access width, driving surface, parking, and fire hydrant placement. **In Compliance, to be partially addressed as part of a Subdivision Review.***
8. *Flag lots cannot be used where traditional methods of development could occur. **In Compliance.***
9. *Subdivisions which contain more than four (4) lots cannot contain a flag lot. **In Compliance.***
10. *The lot shall be graded so storm water runoff does not negatively impact neighboring properties. **In Compliance, to be partially addressed as part of a Subdivision Review.***
11. *All flag lots shall have the street address displayed on private property in a prominent location where the staff abuts the public street. **In Compliance, it will be assigned address 619 N 800 W.***

12. *A flag lot may not be created which would negatively impact the future continuation of existing stub streets. In Compliance.*
13. *Other requirements imposed by the Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use; the Conditional Use Permit and plat review cannot waive requirements 1 through 12 of this Section.*

As this is a conditional use, staff has noted some unique aspects of this proposed flag lot and listed possible mitigating measures to deal with the potential negative impacts. It is also important to determine which conditions must be met at the time the subdivision is approved and which conditions will be met at the time a building permit is approved.

Common complaints about flag lots and Possible Conditions

1. Side-by-side Flag Lot Staffs - The staff of this flag lot will run immediately parallel and adjacent to the non-public road labeled "600 North" which is the staff of the lot at 850 W 600 North (Anderson), but which is also used as the access to the lot at 830 W 600 North (Bangerter) via an easement. This private 600 N road is paved with black asphalt. Due to this, the Planning Commission may want to apply conditions so that visitors, delivery vehicles, or emergency vehicles can easily identify which house they are going to such as:
 - a. Consider requiring lighting and street numbers at the flag lot staff entrance to help guide emergency vehicles and other persons to the correct address;
 - b. Consider lighting along the staff driveway.
 - c. Consider requiring fencing, landscaping, curbing, or other physical separation between the two lot staffs / driveways.



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: 647 N 800 W

PARCEL NUMBER: 06 036 0047 **ZONE:** R-1-10 **DATE OF APPLICATION:** 11/16/23

Name of Business: _____

Applicant Name: Troy Salmon

Applicant Address: 867 Heritage Pointe Ln

Primary phone: 801-718-5917 **Fax Number:** _____

E-mail address: troy@salmonmechanical.com

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

It is our desire to split this this parcel into two lots. "Lot A" will have the existing house.

"Lot B" will be a new lot for a single family residence to be built on. (See attached site plan)

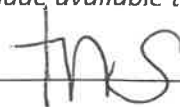
Because there is not enough "frontage" Lot B would need to be a flag lot, this is the purpose of this application. The attached plan meets all the requirements laid out for a "flag lot".

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: 11/16/23

Applicant Signature: 

FOR OFFICIAL USE ONLY

Application Received Date: 11/17/23

Permit Number: _____

Application Fee Received Date: 11/17/23

Fire Inspection Date: _____

Permit Approval: _____

West Bountiful City
550 North 800 West,
West Bountiful, Utah 84087

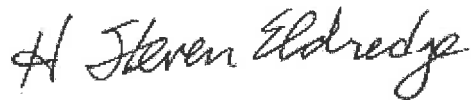
15 November 2023

To whom it may concern,

I give my consent to Troy Salmon to apply for a conditional use permit for the property listed below.

647 N 800 W
West Bountiful, UT 84087

Parcel # 06 036 0047

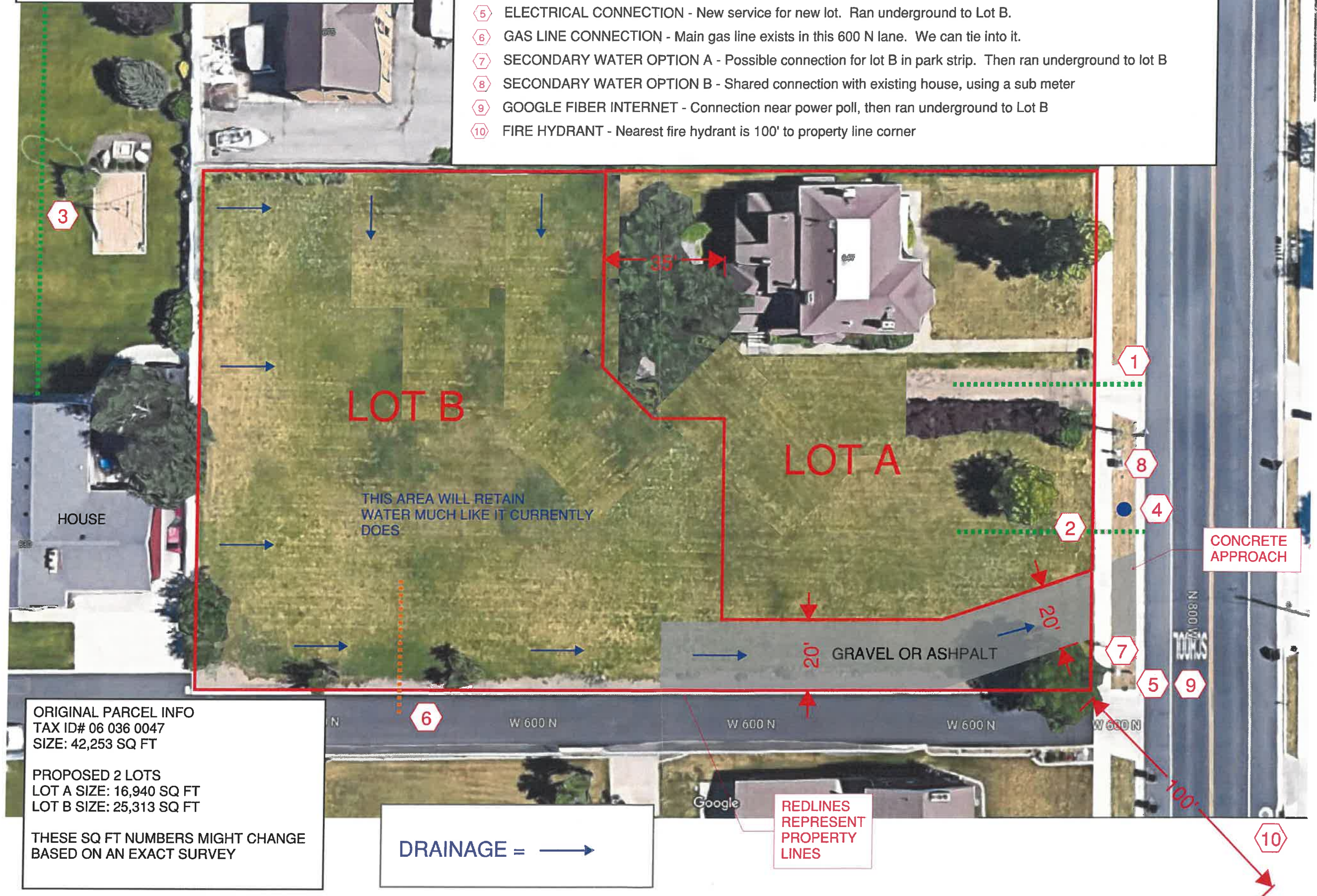
A handwritten signature in black ink that reads "H Steven Eldredge". The signature is written in a cursive style with a large, stylized "H" at the beginning.

H Steven Eldredge, Trustee

Submitted by: Troy Salmon
Date: 11-17-23

Submitted by: Troy Salmon
Date: 11-17-23

- 1 SEWER OPTION A - Possible existing lateral stubbed into lot. Needs to be "scoped"
- 2 SEWER OPTION B - Shared lateral with existing house. Sewer district will allow if necessary
- 3 SEWER OPTION C - Shared lateral with existing house. Sewer district will allow if necessary
- 4 CULINARY WATER CONNECTION - City water connection in park strip
- 5 ELECTRICAL CONNECTION - New service for new lot. Ran underground to Lot B.
- 6 GAS LINE CONNECTION - Main gas line exists in this 600 N lane. We can tie into it.
- 7 SECONDARY WATER OPTION A - Possible connection for lot B in park strip. Then ran underground to lot B
- 8 SECONDARY WATER OPTION B - Shared connection with existing house, using a sub meter
- 9 GOOGLE FIBER INTERNET - Connection near power poll, then ran underground to Lot B
- 10 FIRE HYDRANT - Nearest fire hydrant is 100' to property line corner



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 November 9, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 9, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED:

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder), Addison Jenkins (Community Development Specialist), Remington White (Recorder) and Debbie McKean (Secretary).

PUBLIC: Debie Marshall, Matt Myers, Brad Rasmussen, Brenda Haro,

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

**1. Thought 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. Dell Butterfield seconded the motion. Voting was unanimous in favor among all members present.

3. Conditional Use Permit Application- Premium Auto Sales (1116 West 500 South)

Commissioner packets included a memorandum from Cathy Brightwell dated November 9, 2023, regarding Premium Auto Sales (1116 West 500 South), a conditional use permit application and site plan.

Cathy Brightwell introduced the application from Brenda Haro on November 7, 2023, for a conditional use permit to have an auto dealer business, Premium Auto Sales, located at 1116 West 500 South. They plan to sell used automobiles primarily online. The business will have 3 vehicles on-site but most of the business will be done by appointment and involve vehicles stored at an off-site storage location. There will be no auto repairs or service done as part of this business. Premium Auto Sales has 3 designated parking stalls in front of the office for vehicles to be sold and 2 parking stalls in the center of the parking lot for customers and employee parking. Attachment of diagram was included and reviewed by the commission.

42 **Action Taken:**

43
44 ***Laura Mitchell moved to approve the Conditional Use Permit for Premium Auto Sales- 1116 West 500***
45 ***South #16 for an auto dealer business with the following findings: the proposed use at the particular***
46 ***location is necessary or desirable to provide a service or facility that will contribute to the general***
47 ***well-being of the neighborhood and the community; will not be detrimental to the health, safety, or***
48 ***general welfare of persons residing or working in the vicinity. The conditions of the permit are that a***
49 ***Copy of Dealer's license and Proof of Insurance are provided; fire inspection approval obtained;***
50 ***signage will comply with City Code; vehicles on display will be operable and in sellable condition; upon***
51 ***issuance of this Permit and prior to beginning business, a West Bountiful commercial business license***
52 ***will be issued to Premium Auto Sales. Corey Sweat seconded the motion and voting was unanimous in***
53 ***favor.***

54
55 **4. Discussion of South Davis Sewer District Expansion and Future Conditional Use Permit**

56
57 Commissioner packet included a memorandum date November 9, 2023 from Addison Jenkins regarding
58 discussion of South Davis Sewer District Expansion and future Conditional Use Permit with a conditional
59 use permit application, technical memorandum and site plan.

60
61 Addison Jenkins introduced the agenda item stating that the South Davis Sewer District has applied for a
62 conditional use permit to upgrade or replace existing facilities and processes at their wastewater
63 treatment facility and also construct a new office on 1800 W 1200 North. This property is located in the
64 A-S Zone.

65
66 Mr. Jenkins explained a letter from Aqua Engineering describing the proposed upgrades to processes
67 and replacement of facilities at the site. He noted that this use is considered "quasi-public," which is a
68 conditional use in the A-S zone. In considering the proposed application and the health, safety and
69 welfare of the community, staff have identified the following criteria that should be reviewed as part
70 of the project construction and future operation of the treatment facility.

71 Addison Jenkins pointed out some of the potential detrimental effects which included the following:

- 72 • Dust, sediment, and drainage: Construction activities could produce noticeable amounts of
73 dust and sediment, affect surface drainage, and impact surrounding properties, soil, and
74 water.
- 75 • Noise: Noise will increase during construction with noticeable impacts to the two adjacent
76 residences. While the plant is to be reconfigured and expanded some, the facility should not
77 create significantly more noise than the existing facility once completed.
- 78 • Light: Construction activities could require significant lighting outside of daytime hours. The
79 upgraded, replaced and expanded facilities could increase nighttime lighting. If in the review
80 of the conditional use permit application it is determined that lighting at the facility will be a
81 source of light pollution, it should be mitigated.
- 82 • Traffic: During construction, traffic will increase to accommodate construction vehicles. After
83 construction, traffic will consist of occasional deliveries, employees and end users as they
84 conduct their daily duties, and the occasional members of the public.

- Parking: During construction, the number of vehicles on site will increase. After construction the amount of parking should return to previous acceptable levels.
- Aesthetics: the facility will be seen by the public from the east of the site. The finish to the east side of the structures and could be an eyesore to the viewing public.

Matt Myers (General Manager) and Brad Rasmussen (Representative from Aqua Engineering) were present to make the presentation to the commission.

Mr. Myers noted that the South Davis Sewer District operates a wastewater treatment facility west of Legacy Parkway. Primarily due to changes in the district's discharge permit, the plant is required to upgrade several processes. In addition to the permitting requirements some of the existing facilities have reached the end of their useful life and need to be replaced or upgraded. The SDSD is also proposing to relocate and expand their administrative building to allow better access for public meetings while restricting the public from the functional parts of the facility. It was pointed out that there are two (2) single family residences within the site area that are owned by the SDSD and currently rented out to residents.

Mr. Myers gave a presentation of the expansion project noting that the upgrades are scattered all along the entire site. These updates are due to a state mandated requirement. There should not be additional odors created. Per State regulations, the plant upgrades must be completed by September 1, 2026 however, some aspects may extend beyond that point.

A current view with an overlay of the new expansions was reviewed. Mr. Myers noted that the digester will be located in West Bountiful, but currently the rest of the expansion is in the County. It is likely that the county property will be annexed into West Bountiful. That will make it so the permits will be issued by West Bountiful. All new expansion items were pointed out and discussed.

Mr. Myers explained that this upgrade is included in the capital facilities plan for the Sewer District facility. It was noted that there is a video available on their website that describes the process used in digesting waste. The upgrade will be phased in as completed and each phase should follow one another closely.

Chairman Alan Malan requested they consider including a RV dump station at their location. Mr. Myers took note and stated that he will do some investigations on this issue.

This agenda item was for gathering information and discussion as the city continues to review the project and application. .

5. Discussion- Future Subdivision Updates

Commissioner packet included a memorandum dated November 9, 2023 from Staff regarding Future Subdivision Updates.

Cathy Brightwell explained that the Utah Legislature passed Senate Bill 174 in early 2023. This law changes how local land use ordinances governing the subdivision process are handled in the state and requires local governments to update their ordinances accordingly. The new law provides a deadline to produce a subdivision code update to bring our code into compliance. For West Bountiful, the deadline is February 1, 2024.

The legislature appropriated funding to the Department of Workforce Services for the purpose of providing legal and planning services for qualifying municipalities to assist with the ordinance updates. West Bountiful qualifies for \$14,000 assistance.

The city has contracted with Hansen Planning Group to help guide us through the process. They will research and provide a draft ordinance for planning commission review and approval. Given the upcoming holiday schedule impacting meeting dates, we will need to move quickly through the review and approval process once we receive the draft from Hansen Planning Group.

The goal is to provide a draft copy by the 28th of November for review. The staff has been doing some work on a draft as well. Staff is planning to schedule a public hearing on the first meeting to be held on December 12, 2023.

Staff will forward information as they receive it to the commissioners for their review.

6. Meeting Minutes from September 26, 2023

Action Taken:

Corey Sweat moved to approve the minutes from September 26, 2023. Dell Butterfield seconded the motion and voting was unanimous in favor.

7. Staff Report

a. Engineering (Kris Nilsen)

- Doug Coons has addressed all the issues regarding his subdivision and is ready to move forward with recording the plat.
- Hugoe Subdivision is progressing forward towards a complete application.
- 660 West design is still in progress.
- Additional lighting on the south side of the park is being designed and bid.
- Corey Sweat requested that the Home Occupation ordinance be put back on our agenda as soon as possible.

b. Community Development (Addison Jenkins)/Cathy Brightwell

- Cathy Brightwell introduced Remington Whiting as our new city recorder. He began work yesterday, November 13th.

- The appeal from Winegar's on their attached garage has been resolved through mediation. Staff has been working with them for over a year. They will be doing some architectural changes so that they can attach the ADU to their existing home.
- Addison requested that code enforcement issues from the commissioners be sent his way.

A brief presentation for the retirement of Cathy Brightwell was given. Much gratitude and appreciation were expressed for her services. She was wished well in her future endeavors.

8. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:35 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 November 14, 2023, by unanimous vote of all members present.
