Mayor
Kenneth Romney

City Engineer/ Land Use Administrator
Kris Nilsen

Community Development
Addison Jenkins

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Laura Mitchell
Corey Sweat
Dennis Vest
Robert Merrick
Tyler Payne

City Council Representative
Dell Butterfield

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 23, 2024 AT THE CITY OFFICES.

Invocation/Thought – Commissioner Payne
Pledge of Allegiance – Commissioner Vest

1. Confirm Agenda
2. Public Hearing – Recommendation of Zoning Assignment for Loveland Annexation
3. Zoning Assignment for Loveland Annexation
4. Public Hearing – Flag Lot Code Text Change Application – Pope
5. Flag Lot Code Text Change Application – Pope
6. Discussion – South Davis Sewer District Conditional Use Permit
7. Approve Meeting Minutes from April 9, 2024
8. Staff Reports (Engineering, Community Development)
9. 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 April 19, 2024, Remington Whiting, City Recorder.

West Bountiful City
Planning Commission Meeting

April 23, 2024

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 April 22, 2024 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 23, 2024, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Laura Mitchell, Robert Merrick, Tyler Payne (Alternate) and Councilmember Dell Butterfield.

MEMBERS EXCUSED:

STAFF ATTENDING: Kris Nilsen (City Engineer), Addison Jenkins (Community Development), and Debbie McKean (Secretary).

PUBLIC ATTENDING: James Glascock (via zoom), Matt Myers, Brad Rasmusson, Deby Marshall, Gary Jacketta, Suzy and Dan Loveland, Spencer Llewelyn, Chance Pope, Kevin Thacker, Dianne Dransfield.

Thought by Commissioner Payne
Pledge of Allegiance- Commissioner Vest

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

1. **Confirm Agenda**

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

2. **Public Hearing- Recommendation of Zoning Assignment for Loveland Annexation**

Addison Jenkins introduced the public hearing for recommendation to a zoning assignment change for Loveland Annexation.

Action Taken

Dennis Vest moved to open the public hearing at 7:35 pm for public comments on recommendation of Zoning Assignment for SDSD Annexation. Laura Mitchell seconded the motion and voting was unanimous in favor.

Public Comment- *No Public Comment offered*

Action Taken

Corey Sweat moved to close the public hearing at 7:36 pm. Laura Mitchell seconded the motion and voting was unanimous in favor.

3. Zoning Assignment for Loveland Annexation

Commissioner packet included a memorandum dated April 19, 2024 from Addison Jenkins regarding Zoning Assignment for Loveland Annexation- 1275 West 1600 North with an attached site plan.

Addison Jenkins explained the land under consideration is included in the city's General Plan and annexation plan. He noted that it is planned in those documents to be zoned as agricultural. Currently it is adjacent to properties on the north, south, and east in the A-1 zone. He noted that while much of the current use of this land is clearly agricultural in nature, the landscape contracting, seasonal retail, and seasonal property care aspects of Loveland Holdings would fall under uses not included as permitted or conditional in the A-1 zone. The retail operations would typically be classified as "General Merchandise Sales" which is permitted in the C-N and C-G zones. The landscape contracting, lawn care and snow removal operations would typically be classified as "Lawn and Yard Care" and "Contractor Offices" which are permitted in the C-H zone.

Addison stated that reviewing the annexation plan, the land use code, and the current situation, staff and legal counsel explored the following options:

A. The city could zone the property as A-1, and as a condition to the annexation, require Loveland Holdings LLC to cease all non-conforming operations upon annexation.

1. In this case, the Loveland's would likely withdraw their request for annexation.

B. The city could zone the property as A-1 and amend the A-1 zone to add General Merchandise Sales, Lawn and Yard Care, and Contractor Offices as permitted or conditional uses and then require Loveland Holdings LLC to apply for a Conditional Use Permit.

1. This would have a far-reaching impact on the rest of the A-1 zone.

C. The city could zone the property as C-N, C-G, or C-H, and either amend one of those zones to conditionally permit Loveland's other operations or require them to cease the non-conforming uses.

1. This could significantly alter the future use of this property.

D. The city could create a new zone, C-A "Commercial Agricultural", that permits all the various aspects of the Loveland's current operations in addition to any other uses the city deems acceptable.

1. This could also have larger impacts regarding cannabis production and would take significant time and work to completely develop.

E. The city could zone the property as A-1 and allow Loveland Holdings LLC to continue their operations as legally non-conforming.

1. This would allow the current uses, but would not allow any other uses that are incompatible with the A-1 zone.

2. The planning commission could grant, after a public hearing, an expansion of the non-conforming use for construction of the two additional structures if it finds the change will not be inconsistent with

the purposes of the zoning code or 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 of the nonconforming use or noncomplying structure.

Mr. Jenkins noted that based on the city's General Plan, the long history of the current uses without detrimental neighborhood effects, and the neighboring properties, staff proposes that the commission recommend a zoning designation of A-1 for this property with the legal non-conforming uses continuing on under state and municipal land use codes.

When time comes for the Loveland's to apply for building permits to add the two buildings as they intend, the city would be able to grant an expansion of their legal non-conforming use under section 17.56.030 (B) by the planning commission holding a public hearing before issuing a permit.

Staff believe this is the best and simplest option as it does not pose potential unintended city-wide impacts from amending existing zones and avoids the difficulty of creating an entirely new zone solely for one property.

The commissioners asked questions and discussed each of the options presented to them from staff.

In addition to the option presented by staff, Chairman Malan suggested creating an overlay zone. He stated that if kept in Legal Non-Conforming documentation should be put in writing to protect the property owner. Laura Mitchell explained why she was not in favor of a zone change.

After much discussion, the Commissioners chose option E and the following motion was made:

Action Taken

Laura Mitchell moved to forward the recommendation for Loveland Holdings, LLC located at 1275 West 1600 North to continue their operations as legal non-conforming use expanding the non-conforming use for construction of two additional structures finding that the changes will not be inconsistent with the purposes of the zoning code or 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 of the non-conforming use or noncomplying structure and that a written agreement between the city and property owners be put on file. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Public Hearing-Flag Lot Code Text Change Application-Pope

Addison Jenkins introduced the text change application for a portion of the flag lot code and the intent of developing on the property as a flag lot which is currently not allowed in city code.

Action Taken

Corey Sweat moved to open the public hearing at 8:00 pm for public comments on recommendation for a Flag Lot Code Text Change submitted by Chance Pope. Robert Merrick seconded the motion and voting was unanimous in favor.

Public Comment

- Chance Pope 1188 West 400 North took the stand and asked for consideration for him to build a home for his family noting that he has worked hard with the city to find a way to work things work.

Action Taken

Corey Sweat moved to close the public hearing at 8:04 pm. Dennis Vest seconded the motion and voting was unanimous in favor.

5. Flag Lot Code Text Change Application-Pope

Commissioner packets included a memorandum dated April 19, 2024 from Staff regarding text change application for a Flag Lot from Chance Pope with an attached application to Rezone/Change Text, a Text Amendment proposal and a site diagram showing what the lot would look like with text and without text change.

Addison Jenkins noted that city staff has extensively studied this issue in response to questions and concerns raised by commission members at the last meeting. He presented the information contained in the memorandum.

Mr. Jenkins further explained that with this text change a flag lot would still have a "staff," but the area of the staff would count as part of the whole area of the lot. The staff of the lot would not be considered a peculiarly shaped elongation. Flag lots are already conditionally permitted in all three residential zones, and all other regulations would still apply to any flag lot application including the minimum lot size for the zone.

Addison noted that any existing lot that is smaller in area than twice the minimum lot size for the zone would not be eligible for a flag lot or any subdivision. Any lot that is bigger than twice the minimum lot size plus enough area to create a staff is already permissible under the current code. Thus, this text change would only potentially affect a narrow range of lots whose area falls between twice the minimum lot size and twice the minimum lot size plus twice the size of a maximum necessary staff. Furthermore, any lot that could potentially be subdivided would need enough frontage for a lot plus the 20-foot minimum flag lot staff width. Very few lots have more than the minimum required frontage.

Finally, a lot would still be constrained by rear and side yard setback requirements which ensure the "flag" of a flag is not too small (see attached diagram). Kris Nilsen noted that he has identified a total of 7 lots that could be impacted by this proposed changed. A map was provided for review of those lots.

Addison Jenkins explained that based on further review discussed this evening and internal discussion, staff supports this proposed text change. The applicant has requested that the planning commission give its positive or negative recommendation and forward the application to the city council for consideration and a vote.

Chance Pope took the stand and descripted the way the land lays out. Two lots are two acres but there is 4 acres of total land. Kevin Thacker, the property owner stated that the fire marshal has visited the

property and what they want to do to develop the flag lot. The fire marshal gave his approval stating it would be safe for fire protection purposes.

Dennis Vest asked what staff members supported the text change. Addison responded that it is supported by Duane, Kris, and himself with the reasoning to give property owners a little more wiggle room on their property. Creating more regularly shaped lots.

Corey Sweat stated that it is his observation that the city council would support the text change.

Laura Mitchell and Alan Malan suggested that text change only apply to the code in the A-1 zone. There was some discussion on other flag lot permit requests who have been denied but might return for approval if this code change is enacted. Further discussion took place. Kris reiterated that he has counted only 7 lots that would be affected by this change.

Action Taken:

Corey Sweat moved to forward the proposed request for a text change amendment to 16.12.060 D-6 allowing the staff area of a flag lot to be used in computing lot size in the A-1 zone only to the City Council for their consideration. Laura Mitchell seconded the motion and voting was unanimous in favor.

6. Discussion-South Davis Sewer District Conditional Use Permit

Commissioner packets included a memorandum dated April 22, 2024 regarding Conditions for the future South Davis Sewer District North Plant upgrade, located at 1800 W 1200 North.

Addison Jenkins updated the commissions regarding lighting plans and odors concerns. He noted that, plant manager Matthew Meyers will work with the city regarding lighting issues.

Mr. Meyers explained that Cannon Pipeline occupies a large part of the east part of their property which is contributing to the light pollution. Their lease will be up in a few months and the Sewer District is willing to work with the city on lighting plans.

Addison informed the commission that the city council voted to annex 12.666 acres of land the South Davis Sewer District owns into the city at their April 16, 2024 meeting. The sewer district has applied for a conditional use permit to upgrade, replace, and expand facilities and processes at their wastewater treatment facility that now includes the newly annexed land. Alan Malan reiterated that he wants lighting to be directed downwards and away from the city pointing to the west.

Brad Rasmussen (SDSD engineer) took the stand and noted plans for lighting on the outside on the building. He stated that they have removed lighting that was not necessary on the Canyon pipeline property.

James Glascock (SDSD architect) pointed out the current plan for lighting using a drawing included in the packet. He noted that there will be no light extending past their property line. All representatives present from the SDSD project stated that they want to be good neighbors and have tried to design things accordingly. They are willing to work with the city on all their concerns.

Currently, construction bidding is open for the new admin building near the intersection of 1200 North and the frontage road, North Shoreland Drive. This building will be completed first since the old admin building will need to be demolished for the expansion update. The whole project will take approximately 3 years. Construction will take place during regular business hours.

Addison noted the conversations they have had with Jacobsen construction to conduct a study for the odors and any cost will be paid by the Sewer District. Discussion took place on how odors can be mitigated and the process for such.

Deby Marshall took the stand and informed the commission of a program that was presented by former SDSD manager (Dell). She stated that the program covered a lot of information as to why we do not get the odor from the South Davis Sewer. Matt Meyer explained the changes that will be made in processing the waste and feels like there will not be much odor changes and possibly even a reduction in odors.

Some discussion took place regarding odors and the odor study requested by the commission. Corey Sweat feels that we may not need to have an intense study done on odors and that it would be better to trust and leave it to the experts without wasting time and money on an intense study. Commissioners concurred.

Staff will work closely with the district in tracking and mitigating odor control. Mr. Jenkins noted that the sewer district has been very responsive to staff's requests for information and facilitated a collaborative approach to ensuring the district's planned expansion does not negatively impact current and future residents of West Bountiful.

Staff recommends the developing conditions in these areas as permits are issued in the future:

1. Dust, Sediment, Drainage

2. Noise

3. Buffering, Landscaping

4. Lighting

5. Odors

7. Approve Meeting Minutes from April 9, 2024

Action Taken:
Laura Mitchell moved to approve the minutes from April 9, 2024 as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

8. Staff Report

a. Engineering (Kris Nilsen)

- Still working on the 3 road projects
- Lighting project at the park will begin by May 1st and ready for the 4th of July
- Salmon Subdivision has resubmitted addressing all comments and concerns
- Hugoe Subdivision has resubmitted addressing all comments and concerns.

- Ivory Homes has not submitted plans for Phase II yet.

b. Community Development (Addison Jenkins)

- Code Enforcement –
- Vinegar's illegal garage which was an ADU has been attached to the house to become legal dwelling
- John and Jake will have a parking ordinance draft for review for the Moderate-Income Housing plan
- Could have some more annexation request by next meeting.
- Wellness Survey closed last week and can expect a report in the near future. ADU's were addressed on the survey. He noted that the vast majority of the new homes have detached garages that are potentially detached ADU's.
- No updated information on the Silver Alert.

9. Adjourn

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:30 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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