

**West Bountiful City  
Planning Commission**

**August 10, 2010**

**Posting of Agenda** -The agenda for this meeting was posted on the State of Utah and City of West Bountiful Web-Site and sent to Clipper Publishing Company on August 6, 2010 per state statutory requirement.

**Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, August 10, 2010, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**           **MEMBERS PRESENT:** Chairman James Ahlstrom; Denis Hopkinson, Steve Schmidt, Stephen Fackrell; Commissioners and Alan Malan (Alternate) Commissioners.

**MEMBERS/STAFF EXCUSED:** Denis Hopkinson, Craig Howe; City Administrator, Ben White; City Engineer.

**STAFF PRESENT:** Mike Eggett; (Planning), Heidi Voordeckers (City Recorder), and Debbie McKean (Secretary).

**VISITORS:** Oscar Turner, Dennis, Trent, Melanie, Melissa Vest, Mark and Brandee Naudauld.

The Planning and Zoning Meeting was called to order at 7:00 p.m. by Chairman James Ahlstrom. Oscar Turner offered a prayer/thought.

**Accept Agenda**

Chairman James Ahlstrom reviewed the agenda as posted. Steven Fackrell moved to accept the agenda as posted. Steve Schmidt seconded the motion. Voting was unanimous in favor among those present.

**Business Discussed:**

**Public Hearing to receive public comment and input regarding the potential addition of Chapter 17.82 Accessory Dwelling Units (ADU) to the Municipal Code.**

Mr. Eggett explained the purpose of the need for this ordinance due to the high demand for families to live together. The current ordinance does not allow compliance for the demands and requests that have made in the recent years. This ordinance will address this issue more fairly.

Mr. Ahlstrom reviewed the proposed ordinance for the public to hear and understand.

**ACTION TAKEN:** Steve Schmidt moved to open the public hearing to receive public comment and input regarding the potential addition of Chapter 17.82 Accessory Dwelling Units ADU to the Municipal Code at 7:15 p.m. Denis Hopkinson seconded the motion and voting was unanimous in favor.

**Public Comment Received:**

- No Public Comment was made.

**ACTION TAKEN:** **Denis Hopkinson** moved to close the public hearing to receive public comment and input regarding the potential addition of Chapter 17.82 Accessory Dwelling Units ADU to the Municipal Code at 7:15 p.m. Alan Malan seconded the motion and voting was unanimous in favor.

**Public Hearing to receive public comment and input regarding the proposed Rockin V Acres Small Subdivision with plat located at approximately 1405 West 1200 North in the City.**

Mr. Eggett introduced the public hearing issue stating that Dennis and Melanie Vest came to inquire about building an additional home on their property. Mr. Eggett gave them the process necessary to apply and the Vest have complied with those requirements. Micheal Eggett reviewed the documents that were received. Their were some small issues to resolve one being that of some current sheds in place and some lot line adjustments that were necessary. This begins the process of creating the small subdivision for their future plans.

Mr. White; city engineer reminded the Planning Commission that small lot subdivisions do not require a plat. This allows for a fast track process to be done. He requested that the design improvements be submitted so that the city is aware of where street lights, storm drains, curb gutter and sidewalk, secondary water, utility laterals, title report with request to a 20 ft easement that will need to be recorded on plat. Also need a letter from and pay the final subdivision fee before being submitted to Commission

Mr. Ahlstrom reviewed the requirements from LUDMA which allows the a speedier process for small lot subdivisions and the process that will follow this meeting for the Vest Family.

City Council may have a different view of things and may require it to be put in at this time like other A-1 zones in the city.

**ACTION TAKEN:** Steve Schmidt moved to open the public hearing to receive public comment and input at 7: 30 p.m. **regarding the proposed Rockin V Acres Small Subdivision with plat located at approximately 1405 West 1200 North in the City.** Steve Fackrell seconded the motion and voting was unanimous in favor.

**Public Hearing:**

- Dennis Vest stood before the Planning Commission and told them what drew them to this area. They loved the way West Bountiful was. Over the years many changes were made which he loved WB for. This new land they purchased is what they feel is closer to what he felt originally WB was all about. Dennis Vest would like to request that the ditch not have to be covered. He uses it for irrigation purposes and love the open feel of it. He would like to not have to put in the curb and gutter at the present time as he feels it is not practical and will not go with the present feel and look of things. He would agree to put in the lighting. He realizes that the ultimate decision is with the City Council but he would like consideration of these things. He feels that the open ditch is much safer than a closed one.
- Trent Vest would like to cover his portion of the ditch and noted some differences in the lot of his in comparison to his father's property of Lot 1 and 2. Mr. Ahlstrom noted that they have to follow ordinances. They do not object to putting in curb and gutter in the futures as it may become consistent with other properties.
- Mr. White explained that street lights need to be standard and is of the most importance while the rest of the issues are discretionary. He mentioned the Stringham subdivision that was allowed to have 10 years without putting in curb, gutter and sidewalk and will be up for review in two years. This is not an easy decision for the city to address.
- Denis Hopkinson asked Mr. Vest if he currently has water rights to the ditch at the present time. He noted that if he has water rights, he would take precedence over the design of that ditch. Mr. Hopkinson informed the commission and Mr. Vest that he had spend a lot of time with Weber Basin inquiring about the water flow. He explained what he had learned in the process. Mr. Hopkinson noted that it will make a difference in the process of the Planning Commission and City Council in their request concerning the ditch. He encouraged Mr. Vest to get water rights determined.
- Mr. Hopkinson noted the issues of the property lines and inquired if they were movable or not with the current shed on the property as there would not be the required proper easement for maintenance as it currently stands. Mr. White suggested that he could create an irregular property line which should not compromise the 1 acre requirement for the lots. Trent noted that they could make 3 lot subdivision instead of 4 lot subdivision

and that would solve the problems as well. Mr. Ahlstrom stated that in the future changes could be made regarding the lots.

**ACTION TAKEN:** Denis Hopkinson moved to close the public hearing to receive public comment and input at 8:05 p.m. regarding the proposed Rockin V Acres Small Subdivision with plat located at approximately 1405 West 1200 North in the City. Steve Schmidt seconded the motion and voting was unanimous in favor.

**Consider recommendation of approval to City Council for the proposed Rockin V Acres Small Subdivision with plat located at approximately 1405 West 1200 North in the City.**

Discussion consisted of Mr. Eggett stipulating that staff receive the Applicable Fees and Letter from the Sewer Authority before forwarding it to the

Mr. Hopkinson asked about the Improvement Bond and what is included. Mr. White explained what type of cost would be involved in the bond. Mr. Fackrell noted that the city has held money in a bond for future improvements to be made. Mr. White noted that bonds cost money to maintain or they expire so there is no. City, by law, cannot hold discretionary funds and the cost of improvements will elevate over time. Mr. White informed the commission if funds are held the city can use them anyway they would like and also noted that there is a 10 year expiration date on improvement requirements. He suggested that whatever the commission and city council wants now needs to be requested now.

Mr. Hopkinson asked Mr. White why the ditch would be the cost responsibility of the Vest Family when the city has born the cost of ditch improvements on 800 West and other places in the city. Mr. White noted that he doesn't always agree with the way business has been done in the past. He explained that whatever is required of the development at that time is what is expected of the developer according to the master plan size.

Mr. Fackrell stated that the fence lines do not match the foundries and suggested that those be cleared up. Mr. White responded that the deed goes to the section lines. He asked if there was going to be a common driveway and suggested that there be an understanding of who maintains that in case another owner would purchase the property in the future. Mr. White noted that there needs to be adequate clearance so that each property owner has his own driveway right of way. Mr. Vest stated that this has been thought out and addressed. Mr. Fackrell addressed the flooding issues and wondered if the city has considered them. Mr. White noted that they have looked at all the issues and different scenarios and does not think it will reach the Vest property. The bigger challenges is maintaining the ditches with the cities resources.

Alan Malan asked what was between the Vest Property and Legacy Property. Mr. White responded that West Bountiful City owns that property. He also noted that the City owns the ditch and street right of way. Curb and Gutter would be within the city property as well.

Mr. Ahlstrom commented regarding issues in other parts of the city with ditches and curb, gutter and sidewalk. After prior discussions it was decided in those instances that leaving the ditch open was the best with safety and appearance, etc. He noted that in the future a special improvement district could be created to address future needs of improvements.

Mr. Ahlstrom asked Mr. White what the cost of improvement would be for all the above improvements and Mr. White believes it would be around \$50,000 for curb, gutter, sidewalk, asphalt and storm drain.

Some discussion took place concerning the prior property of Trent Vest on the corner of 1100 West and 12<sup>th</sup> North when flooding occurred in the spring, what the cause of the flooding was and some possible solutions.

Mr. Ahlstrom reviewed what needs to be included in the motion with possible choices of what could be requested by the commission.

**ACTION TAKEN:** Denis Hopkinson moved to forward **the proposed Rockin V Acres Small Subdivision with plat located at approximately 1405 West 1200 North in the City to the City Council per LUDMA requirements for small subdivision for consideration with the following requirements for consideration:** Subdivision fees be paid and the Letter from the Sewer Authority, design from developer in regards to street lighting, bond applied to the cost of the streetlight improvement, with property line issues being cleared up between lot one and two being redrawn and/or remove or relocated the existing buildings elsewhere on the property, title report with final plat and showing a drainage and standard public utility easements, memorandum from city staff providing cost estimates and a 120% construction improvement bond for the improvements required by the City Council Steve Schmidt seconded the motion and voting was **Alan Malan, Steve Schmidt, James Ahlstrom, and Denis Vest- yea vote and Steven Fackrell with a nay vote.**

Some discussion took place regarding the burden to others in the future by delaying the requirement of storm drainage, curb, gutter, sidewalk, asphalt, utility laterals and secondary water. Point was made that if improvements are never required then the burden has not been passed on. Holding bond money would be a burden on the current property owners with no guarantee of its use in the future.

**Consider recommendation of approval to City Council for the addition of Chapter 17.82 Accessory Swelling Units (ADU) to the Municipal Code.**

Some discussion took place regarding the proposed ADU ordinance and any changes that need to be changed before forwarding this to the City Council for approval.

Mr. White suggested the criteria in which the ADU would apply if a structure has one outside door/passageway that separates the living spaces that cannot lock and that they have their own kitchen, bathroom, or other personal area in separate living provision. Applicant need a conditional use permit and a reviewed every two years in writing to the staff of any changes made. These things need to be added to the ordinance as a definition. Also, include the trigger that using this area specifically for housing in relation to an ADU.

**ACTION TAKEN:** Denis Hopkinson moved to forward Chapter 17.82 Accessory Dwelling Units (ADU) with the recommended changes noted in the minutes from the Commission to the Municipal Code pending language approval by all Commissioner. Alan Malan seconded the motion and voting was unanimous in favor.

**STAFF REPORT**

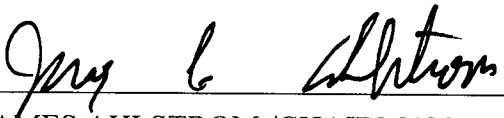
- Application for Planning Commission has been closed and public announcement will be made at the September 7<sup>th</sup> City Council Meeting. Two commission terms are expired. Three positions will be appointed.
- Notice of Public Hearing Legacy Crossing at Parrish Lane for a Mixed-Use Development at the Corner of Parrish lane and 1250 West on Wednesday, August 11, 2010 at 7:00 p.m. at the Centerville City Hall Building in the City Council Chambers, 250 North Main Street.
- Adobe Systems plans new technology campus, bringing 1,000 jobs to Utah. Mike noted that these are the kind of businesses that are being drawn to Utah.
- All 3 CDA's were approved with unanimous CDA boards and City Councils. Next step is marketing and open houses.
- Home Occupation Permit on next agenda for a Dog Grooming business for the commissions review. Mr. Ahlstrom explained that he cannot approve this type of request without the commissions consent. Notice requirement for neighbors as well is required.

**Approval of Minutes dated July 27, 2010**

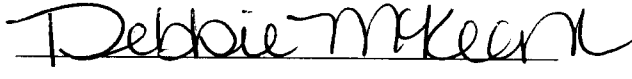
Steve Schmidt moved to approve the minutes dated July 27, 2010 as presented. Alan Malan seconded the motion and voting was unanimous in favor.

**Adjournment**

Denis Hopkinson moved to adjourn the regular session of the Planning Commission Meeting. Steven Fackrell seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:50 p.m.

  
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JAMES AHLSTROM /CHAIRMAN

  
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HEIDI VORDECKERS/CITY RECORDER

  
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DEBBIE MCKEAN /SECRETARY

