

West Bountiful City

December 14, 2010

Planning Commission

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 December 10, 2010 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, December 14, 2010, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman James Ahlstrom; Denis Hopkinson; Vice Chair, Steve Schmidt, Terry Turner, Tori Boggess; Commissioners and Alan Malan (Alternate) Commissioner.

MEMBERS/STAFF EXCUSED: none

STAFF PRESENT: Craig Howe; City Administrator, Ben White; City Engineer, Heidi Voordeckers (City Recorder), Bev Haslam and Debbie McKean (Secretary).

VISITORS: Valerie Shaw; City Council.

The Planning and Zoning Meeting was called to order at 7:00 p.m. by Chairman James Ahlstrom. Craig Howe offered a thought.

Accept Agenda

Chairman James Ahlstrom reviewed the agenda as posted. Terry Turner moved to accept the agenda as presented. Tori Boggess seconded the motion. Voting was unanimous in favor among those present.

Business Discussed:

Discussion and approval of ADU Ordinance for recommendation to City Council

Chairman Ahlstrom reviewed the reasons Council wanted this ordinance to come before the commission for review. He noted that extensive work had been done prior but had been misplaced and never made it to be accepted by the City Council. He noted the reason for this ordinance and that we need to review this proposal tonight and send it to city council for their review and approval.

Mr. White explained that a request had been submitted for a single dwelling that included features which would make it a two family dwelling with two front entries, two kitchens, etc. He noted that under certain circumstance the city would like to allow this and needs this ordinance in place.

Mr. White informed the commission that the "Not for profit" and upgraded definitions were suggested changes by the city attorney.

He also explained individual personalized situations that create the need for more than one family to occupy a single family dwelling.

Packet included a draft including redline changes for Accessory Dwelling Units for West Bountiful City drafted by Ben White; City Engineer, as directed by the commission.

Staff presented the proposal for Chapter 17.82 Accessory Dwelling Units (ADU) to planning commissioners for their final recommendations and approval to forward to City Council.

The following points were discussed:

- Mr. Hopkinson wanted to know when the definitions would be completed. Mr. Hopkinson liked the additions and changes from the attorney. He recommended that the limits for the accessory dwelling not be larger than the original structure and within the building standards of set backs, etc. Some discussion took place of what would make this restriction more in forcible. Mr. White
- Tori asked if we could use the definition of family as presented in this ordinance when definitions have not been done. Mr. White responded that it would be fine to use the family definition without having a final approval on Ordinance Definitions.
- Alan Malan mentioned that he has a lot of problems with this ordinance. He noted that he attended City Council meeting and did not get the same ideas from this proposed ordinance that the City Council was looking for. He noted that as this ordinance appears people could unknowing fall into violation of this ordinance. Mr. White explained that this could happen as was mentioned by a recent application for building. Mr. Malan had an issue with governing unnecessarily. He wants the citizen's to be clear as to what they can and can't do. Mr. White stated that the intent is not to prohibit home owners but to protect home owners from having rentals in a single dwelling unit.
- Mr. White recommended that we have clear definitions on what an ADU is and isn't.
- Mr. Malan recommended the following language be changed to include open space, fee simple property (meaning one owner owns the whole property, shared heating, plumbing, utilities and mailbox which are not separate, must be able to access all parts of the dwelling area without going outside the dwelling (garage excluded). He believes we should fix this in the definitions so as to bring more clarity to the ordinance.
- Mr. Howe shared his feelings concerning the event that took place at City Council meeting. He feels like this ordinance satisfies things that are not in the ordinary realm of living circumstances. Instruction given from the Council was that we enable families to be together without compromise in private units.
- Mr. Ahlstrom noted that we need to consider the areas, zoning, etc. that would answer the question "How close can I be to my neighbor and still be comfortable?"
- Mr. White concluded that we get the definitions in place and that would satisfy the needs of this ordinance that decides what is two dwelling units and what is one unit so that people cannot find their way around the ordinance.
- Mr. Hopkinson noted that he wants this ADU ordinance in place in case there are problems that arise so as to have definition as to what type of dwelling is being used. He noted an example in our community of a home that could be created into a multi-dwelling unit with no problem.
- Mr. Malan likes the deed restriction to be in place but feels that definition must be clear before putting restrictions on the deed.
- Mr. Howe is not concerned what the dwelling looks like but what the use is of the dwelling.

Recommended Changes to be made are:

In regards to 17.82.020 A. Definitions, some discussion took place regarding the definition of a family. It was determined that further work needs to be done on the definitions before putting the Ordinance in place.

In regards to section 17.82.050 E. Development Standards. Do we want to limit the size of the ADU? Ben White noted that this would be hard to do and asked if we really care about that as a city.

ACTION TAKEN:

Denis Hopkinson moved to table the approval of the ADU ordinance until definitions discussion has been done by the commission and can be clarified. Terry Turner seconded the motion and voting was unanimous in favor.

Continued discussion on changes to Sign Ordinance

Packet included memo from Ben White dated December 10, 2010 and a rough draft of the recommended sign ordinance for West Bountiful City.

Mr. White has reworked the Sign Ordinance and noted that it has not gone to legal council and will be reworded per their suggestions. Definitions are a big part of this ordinance and so we will want to make sure definitions are in place before approving this ordinance.

Mr. White noted the suggestions he has throughout the ordinance and the research and such that he did to come up with these suggestions. He would like to have the commissions suggestions and ideas for changes.

The following were noted and discussed:

- Tori Boggess would like specific sections to include a cross reference to refer to.
- Temporary Sign set backs and do we want to allow them. What, when, and where? Realize that our current ordinance does not allow temporary signs at all.
- Steve noted that we cannot have the ordinance enforced by complaint. So we need to have the ordinance so that it is not a burden to enforce for staff. Maybe consider free days for some signs. Signs need to be related to the business which property they are on. Consider time frame based allowance for these types of signs. Some application for some signs.
- Terry Turner wants to get rid of ambiguity in the ordinance and also would like to see some cross referencing within the ordinance. He does not want to allow the signs that are not related to business.
- Ben would like to set time frame by number of days rather than certain times of year or seasons.
- Denis noted that there will be a fair amount of time needed to enforce these regulations. Mr. White would like to give as much flexibility as he can, but draw a defined line. Mr. Hopkinson noted that cost needs to be put together to see what the cost of enforcement will cost in the worse case scenario and what the maintenance of enforcing the ordinance will be. He feels enforcement is the biggest issue when considering the language of this ordinance.
- Mr. Howe is concerned with the safety issue concerning the size of signs and their placement. Mr. Hopkinson felt that safety should be enforced by law enforcement.
- Alan Malan felt that there needs to be a set back for personal property instead of just saying it needs to not be in the parkway. He feels it needs to be a certain distance from the sidewalk for safety issues. Would like to have reference points throughout the document as well. Clarified if Historical Signs were allowed. Wants to have "emergency" defined. City should be in compliance with the ordinance and we should be an example of upholding the ordinance. He does not have a problem with lighted signs in the commercial district.
- Do we want to exclude marquee signs?

Mr. White felt that we could get this to legal council and have it back to be further discussed by the end of January. He will continue to work on this ordinance to satisfy the concerns and suggestions of the commissions. He wants to make it easy to enforce and flexible.

Staff Report

- After the first of the year staff will have the general plan come up for review and will ask for their suggested changes. Some zoning language change will need to be considered. It has been 5 years since it is updated. He noted that we may need to look at rezoning 500 South and consider it to be a unique zone in our city.
- Some discussion took place regarding Holly and whether or not they are in compliance with the expansions and work being done. Mr. White explained that the work done on 1100 West is being done by the EPA and not Holly but is being done on Holly's property. The federal government has not and does not get permits from our city.
- Holly has been disbursing an ash-like substance through their catalyst. It is not a harmful substance. Mr. Howe explained the process that causes this from the refinery. He gave an update of Holly.
- Letter was send out for a violation of a business that is out of compliance for living in the upper part of his business.
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Approval of Minutes dated November 9, 2010

Steve Schmidt moved to approve the minutes dated November 9, 2010 as presented. Tori Boggess seconded the motion voting was unanimous in favor.

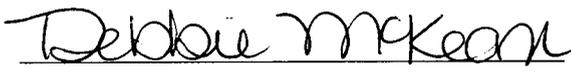
Adjournment

Denis Hopkinson moved to adjourn the regular session of the Planning Commission Meeting. Steve Schmidt seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:20 p.m.



 JAMES AHLSTROM /CHAIRMAN

 HEIDI VORDECKERS/CITY RECORDER



 DEBBIE MCKEAN /SECRETARY

West Bountiful City

December 30, 2010

Planning Commission/Special Meeting

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 December 29, 2010 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, December 30, 2010, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman James Ahlstrom; Terry Turner, Tori Boggess; Commissioners, and Alan Malan (Alternate) Commissioner.

MEMBERS/STAFF EXCUSED: Craig Howe; City Administrator, Ben White; City Engineer, Denis Hopkinson; Vice Chair, Steve Schmidt,

STAFF PRESENT: Heidi Voordeckers (City Recorder) and Debbie McKean (Secretary).

VISITORS: Foster Harrison, Janet and Brent Anderson.

The Planning and Zoning Meeting was called to order at 5:30 p.m. by Chairman James Ahlstrom. Alan Malan offered a thought.

Accept Agenda

Chairman James Ahlstrom reviewed the agenda as posted. Tori Boggess moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor among those present.

Business Discussed:

Consider Approval of Home Occupation Permit- Harrison Fire and Safety, LLC

Chairman Ahlstrom explained how the Home Occupation Permit process works. He pointed out that this application needed to come before the Planning Commission because of the requirement in 17.80.40 Section G. Foster Harrison has applied for a Home Occupation Permit for Harrison Fire and Safety, LLC.

Mr. Harrison stood before the planning commission and explained that he would like to have his own company selling and installing fire extinguishers and safety equipment. He recently was laid off from his job of 34 years which was the same type of profession.

The business will sell and service portable fire extinguishers and provide safety products such as first aid kits. Mr. Harrison will visit businesses to inspect their fire extinguishers out of a service truck. All service will be done on location of the business site. His office will be located in a spare bedroom and extra fire extinguishers will be sorted in his garage. There will be no hazardous materials. Chemicals for extinguishers will be located in the service truck. A CO2 and nitrogen tank will be stored in his garage. He will be renting a facility elsewhere for storage in the future.

Terry Turner asked about licensing and regulations of running this business. Mr. Harrison stated that he has a state license and is certified. He must renew his license and certification every year and be tested every 5 years. Inspection of vehicle and residence has been done by the Fire Department.

Mr. Harrison noted that if a cylinder is punctured it will spin around and the tank could be split open. He keeps his tanks strapped down and safety capped. The nitrogen inside is dry.

Commissioners present reviewed the application and found all to be acceptable in meeting the Home Occupation Permit as found in 17.80.40 Section G which *states that the home occupation must be operated entirely within the approved dwelling, except that a garage or accessory building or structure on the same lot as the dwelling may be used when approved by the Planning and Zoning Commission.* In order to run a business out of his garage he must be able to park both cars in the garage while having his business in the garage. Mr. Harrison responded that if he wanted to park his vehicles in the garage, he could do so and run the business as well.

Mr. Ahlstrom pointed out that the action to approve this permit could include conditions of the permit could include things from 17.80.020 and 17.80.040.

ACTION TAKEN:

Tori Boggess moved to approve the home occupation permit, as it satisfies with the 17.80.020 and 17.80.040 satisfied with the condition that a copy of all licenses and certification must be given to staff and applicable fees paid before a business licenses is issued. Terry Turner seconded the motion and voting was unanimous in favor among those.

Approval of Minutes dated December 14, 2010

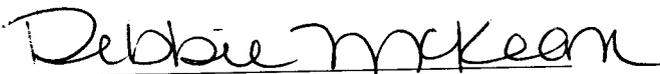
Tori Boggess moved to approve the minutes dated December 14, 2010 as corrected. Alan Malan seconded the motion voting was unanimous in favor among those present.

Adjournment

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Terri Turner seconded the motion. Voting was unanimous in favor. The meeting adjourned at 5:50 p.m.

JAMES AHLSTROM /CHAIRMAN

HEIDI VORDECKERS/CITY RECORDER



DEBBIE MCKEAN /SECRETARY