

**West Bountiful City
Planning Commission**

October 11, 2011

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 October 7, 2011 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, October 11, 2011, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS/STAFF EXCUSED: Craig Howe; City Administrator, and Tori Boggess; Planning Commissioners,
STAFF PRESENT: Ben White; City Engineer, Heidi Voordeckers (City Recorder), Cathy Brightwell and Debbie McKean (Secretary).

VISITORS: Valerie Shaw; City Council, Kevin Thacker, Fran Wilby, Samantha Lund, Brian Lund, Tammy Mitchell, , Joseph & Jan Carbone, Darin Bromley, Rob Turville , Sue Hales, Lynette Larson, Bud Ingles, Laura Charchenko, Kelly Enquist, Eileen Mafu, Samisomi Mafu.

The Planning and Zoning Meeting was called to order at 7:30 p.m. by Chairman Ahlstrom. Valerie Shaw offered a thought.

Accept Agenda

Chairman Ahlstrom reviewed the agenda. Terry Turner moved to accept the agenda as posted. Denis Hopkinson seconded the motion. Voting was unanimous in favor with those members present.

Business Discussed:

Public Hearing for proposed Skiddy Subdivision (400 North 1100 West)

Notice was posted at the site of the proposed subdivision and various other locations for the Public Hearing as required. Noticed read as follows:

Notice is hereby given of a public hearing before the West Bountiful Planning Commission on October 11, 2011 at 7:35 p.m. or as soon thereafter as the agenda will allow at 550 North 800 West West Bountiful, Utah 84087. Reason for the hearing is to receive public comment and input regarding the proposed Skiddy Subdivision located at approximately 400 North 1100 West in West Bountiful. Written comments may be submitted to the city prior to that meeting.

All interested parties are invited to attend this meeting.

ACTION TAKEN:

Steve Schmidt moved to open the public hearing for the Skiddy Subdivision at 7:38 p.m. Denis Hopkinson seconded the motion and voting was unanimous in favor.

Ben White addressed the public telling them where the Skiddy Subdivision is located. The Skiddy Subdivision is located on the Southwest corner of 400 North 1100 West and the proposal of a 2 lot subdivision consisting of Parcel #1 and Parcel #2 with at least 1 acre per lot and with curb and gutter recommended along the 4th North side of the property.

Public Comment:

- **Sue Hales** likes to ride horses on the street and opposes to having curb and gutter along the 4th North side of this subdivision.
- **Laura Charchenko** questioned if there is curb and gutter along the 1100 West. She feels it should have a more equestrian feel and is not in favor of curb and gutter along 1100 West.
- **Tammy Mitchell** stated that curb and gutter is extremely dangerous for horses and feels very lucky that there is an area along 1100 West for horses to ride.
- **Denis Hopkinson** inquired of Ben White if there was a ditch along that area. There is a ditch and it would need to be piped in. It was noted that there is no hundred year flood plane in that area.
- **Lynette Larson** presented a list of people in their neighborhood who oppose having curb and gutter along the 4th North and 1100 West area by the subdivision a total of eleven people were poled with five people not being able to be contacted. They like the rural field. She made note of a meeting that was held with the City Administrator in which he does not feel there is strong support of the equestrian citizenship. Pertaining to the culvert she spoke concerning having some of it piped in and some open, but Ben White felt that he would rather have all piped in or none piped in.
- **Rob Turville** co-owner of the property stated that there is a little disconnect with what the city wants and what the neighbor wants. Spoke if property going west from 1100 West is a very rural area and wants it to be left that way. Curb and gutter would go against the equestrian feel and needs of those who have horses. Most of the ditch in that area is left uncovered and feels that makes more sense than covering the ditch which will guarantee water to be backed up and much more able to be maintained in an open state. He feels that it would be more dangerous.
- **Bud Ingles** stated that he has lived in WB many years and recommends that curb and gutter not be recommended in that area. He feels we need to do all we can to maintain the best part of WB for those who have purchased property in that area for the use of horses.
- **Valerie Shaw** spoke to her concerns regarding the safety of 400 North. She feels that 400 North is not a safe road. Very narrow and muddy and no edge to walk/ride on. It is not maintained and people are constantly in the road walking, riding, bikes, etc. She feels that this must be addressed as it is a very hazardous unsafe area for children. She feels the safety of people are more important than horses.
- **Rob Turville** noted that he has been involved in a lot of development and feels there is no connection to safety and curb and gutter.
- **Chairman Ahlstrom and Valerie Shaw** noted that there are other ways to address this issue other than curb and gutter.
- **Lynette Larson** sends her children to school walking that road everyday and has no concern about their safety without curb and gutter or a walking path.
- **Tammy Mitchell** stated that horses do not use pavement for safety reasons. It is not safe for horses. Maybe a gravel path on one side and a walking path along the other side.
- **Kevin Thacker** stated that kids are on the road with scooters, skateboards, etc. A gravel path would be ideal for horses and kids to walk on. Piping the ditch in will create a hardship for keeping the ditch cleaned out.

ACTION TAKEN:

Denis Hopkinson moved to close the public hearing at 8:05 p.m. Steve Schmidt seconded the motion and voting was unanimous in favor.

Discussion and Recommendation on the proposed Skiddy Subdivision.

Chairman Ahlstrom opened the discussion regarding the Skiddy Subdivision to the Planning Commission. He noted that he is struggling with the fact that the ordinances need to be upheld and the A-1 Zone is treated as unique and special and we want to cater to and keep the rural feel

in that area. As the ordinances are at present curb and gutter is required whenever a subdivision is built. Planning Commission is not mandated to make changes to the ordinances but to enforce them and pass their recommendations on the City Council. They can however make recommendations to the City Council. Ben White noted that currently it is a "one size fits all" type of ordinance, but the A-1 area is different now and may be kept that way. 1100 West is a collector road and that is an issue to consider. He noted that

- Water drainage is an issue.
- Getting a good long lasting street design is important. Getting water off the pavement is very important to making the road have a long life. Curb and gutter does that.
- There is a ditch to collect water on one side of the road. Trade offs are that the road will remain narrow and if ditch is not piped in then there cannot be curb and gutter.

Steve Schmidt inquired about the building on the side of the road that is a utility. He wanted to know if they are exempt from making improvements. Ben White stated that they (utility company) may be exempt from having to make improvements.

Mr. Ahlstrom asked Ben to point to the ordinance that states we need to have curb and gutter in this area. He noted that it is on a discretionary basis as with 1200 North. Planning Commission can make their recommendations as they feel so inclined to do.

Mr. Ahlstrom stated that private property owners should be given the maximum amount of uses and the city should be as non intrusive as possible on those rights.

Denis Hopkinson stated that the community has made it clear that curb and gutter in this area is not wanted by the citizens. Mr. Hopkinson stated that when the ditch is covered along 4th north that will set the tone for the rest of the development in that area. He noted that youth will be using that corridor to go to school. He questioned what will happen to infrastructure when a 15 inch pipe is connected to a 30 inch pipe. He feels the greater concern is to consider infrastructure 20 to 30 years down the road. He noted the example of the ditch being enclosed. It was fought by all involved in that area, but now that there is a bike path he feels nobody would give that up today. He feels that as a community we need to get this right and consider the future needs and development and how to move water safely in that area. He wondered if there is a compromise we can make and recommend to the City Council.

Some further discussion took place regarding the dynamics of the piping infrastructure and what happens under different circumstances.

- Denis Hopkinson asked what the city's schedule is for infrastructure in that area.
- Ben White spoke that they will be replacing a short section of pipe on the south side of the street along Jesse's Meadows.
- Steve Schmidt feels that it doesn't make since. He cares about citizen's rights and their property rights. If it is not a law he will not support it. He noted we need to look at the long term.
- It was noted by Chairman Ahlstrom that a special improvement district would have to be developed in order for all residence to have to make the necessary improvements.
- Alan Malan wondered about the logistics of putting pipe in the ground along that area.
- Terry Turner wondered if there was a specific side that the curb gutter and sidewalk has to go one. Ben responded that it is recommended on both sides throughout the city. A one size fits one.
- Some discussion took place regarding the intent of the General plan and it was noted that the General plan is an advisory document. The general plan is suppose to be updated every 5 years. Mr. Turner was concerned about the liability issues if someone were to get hurt in the ditch or along the road.
- Terry Turner noted that as painful as it is, it has to be addressed if not today, later. The sooner the better. Pay now or pay later. He does not want to have people come back and wish this would have been taken care of in 2011.
- Steve Schmidt commented about the changes that have been made in our city. He noted that deferrals do come due. Ben White noted that leaving the responsibility to future residence is not wise to do. Denis Hopkinson noted that it is extremely hard to make future owners of properties liable for deferrals.

- Denis asked the property owners if there would be a compromise that is reasonable regarding placing pipe in the ground along the property. Denis explained how other home owners have solved this issue with water drainage issues of land owners. He noted all had to come to the conclusion that they did not want to have to pay the city or have the city on their backs. French drains were a good solution for them for the past 30 years. Mr. Turville noted that catch basins are used in their area.
- Mr. White is concerned with moving the water and needs to see plans before he can address the issue at hand.
- Mr. Ahlstrom does not feel that the ordinances are clear on mandating curb, gutter and sidewalk in this area. He feels that the ordinance needs to be revised and made clear. Mr. White noted that the ordinance is pending discussion with City Council.

ACTION TAKEN:

Terry Turner moved to table this agenda item. Denis Hopkinson seconded the motion and some discussion took place as follows:

- Mr. Ahlstrom noted that the applicant has a completed application to date and any decisions made by the City Council will not impact this application.
- Some discussion took place and it was felt among some of the commissioners that they wanted to know the feelings of the City Council before making further decisions on this matter.
- Denis Hopkinson and Terry Turner want clarification on the issue at hand before making the recommendation.
- Steve Schmidt pointed out that the public will have the opportunity to give their input to the City Council while this issue is tabled.
- Mr. Turville commented that there is a buyer involved and time is an issue. He hopes that there is a time limit on the table.
- Mr. Ahlstrom noted that he is not a fan of the motion as it stands to be tabled.
- Mr. Schmidt noted that tabling would be detrimental to the property owners.

ACTION TAKEN:

Chairman Ahlstrom called for roll call vote and voting was:

Steve Schmidt- Nay

Alan Malan – Nay

James Ahlstrom- Nay

Terry Turner- Aye

Denis Hopkinson- Aye

Mr. Ahlstrom noted that the Vest subdivision is different because of the type of road it is and deferment for that subdivision was based upon that purpose.

ACTION TAKEN:

Denis Hopkinson moved to recommend to City Council the application for the Skiddy subdivision Agenda Item #3 with recommendation for discussion and guidance to cover the existing ditch water way along 4th north per city engineer recommendation, no curb and gutter on 4th north or 1100 west per the feelings of the surrounding community.

Some discussion took place by a comment of Mr. Ahlstrom who did not see the requirement of the ditch necessary. Denis Hopkinson noted his thinking was that they have to have access to the property across the ditch which makes since to address this issue at this time.

AMENDMENT TO THE MOTION:

Terry Turner made an Amendment to the motion which was to add “with the City Council needing to get comforted with the ordinance before making the decision to cover the ditch or place curb, gutter and sidewalk along the property.” Steve Schmidt seconded the motion. Terry

Chairman Ahlstrom called for a roll call vote was taken and voting was:

Denis Hopkinson-Aye

Terry Turner- Aye

James Ahlstrom- Aye

Steve Schmidt- Aye

Alan Malan- Aye

Consider Conditional Use Permit for a temporary business License for Little Red's BBQ at 519 North 500 West

Heidi Voordeckers introduce the applicant for the consideration of a business license for Little Red's BBQ which is a mobile food service. Mrs. Voordeckers reviewed the city code and finds it in compliance with a conditional use permit "other business and retail" because it is a temporary business on wheels. She reminded the commission that a temporary business does not fall under the same conditions as a commercial business.

Eileen Mafua and Samisomi presented their application for a conditional use permit for a mobile kitchen unit along 500 West at 519 North. Samisomi stated that they are a mobile kitchen and do lots of catering. They work out of their permanent residence in Farmington at 752 West Moon Circle in Farmington, Utah. Samisomi thinks his business will do well there because of the need in that area. Mr. Mafua stated that they will be visible to people. They have a fully equipped trailer and tent and need no covering. They will need to get an electric meter in place if approved. They have holding tanks and are certified with the health department and they have all certificates needed in place.

Mrs. Voordeckers stated that all requirements are in place for them to do business. They both have current food handlers permit. Mr. Mafu stated that their menu will be determined by what the public wants. This is their chance to get their foot in the door to our community and maybe become more permanent in the future. Heidi noted that their permit was only good for 120 days and the cost is \$100 each time they renew. They would be welcomed to come for a permanent business license in the future. This business will be located in the CG zone. Mr. Ahlstrom explained the process of determining what determines a permitted use and a conditional use. It was noted that the business will be brought in everyday. The hours of business will be 10:00 a.m. - 5:00 p.m.

ACTION TAKEN:

Denis Hopkinson moved to approve the conditional use permit for Little Red's BBQ as permitted under 17.60.040 and based on section C and the seven (7) provision listed therein to be observed by the applicant and enforced by the city. Terry Turner seconded the motion and voting was unanimous in favor.

Review and Discussion on proposed amendments to the Outdoor Storage Ordinance (Chapter 17.92)

Ben White informed the commission that there will be a Public Hearing in two weeks and stated that the new CH zone has been adopted and they are now in need of revising the Outdoor Storage ordinance (Chapter 17.92) to be adapted to this new zone.

Alan Malan spoke to item "C" and felt it was not worded correctly and could be misunderstood when natural disasters take place. He feels it needs to be worded more clearly.

Denis Hopkinson asked if most of the items on this recommendation were items that came to us from City Council, Staff, or Holly. Ben White stated that Legal Council, Holly, and staff were all a part of the recommendations to this ordinance.

He was concerned with Item "F" and the application of it. He gave an example and had Ben address what would happen if that scenario occurred. Ben suggested that the exact opposite is intended. Mr. Hopkinson felt it introduces uses that we do not want. Mr. Hopkinson asked that the language be changed and be made clear to what the city will allow concerning "offside

merchandising". He does not want to introduce new uses to business in this area and wants it to be conducive to what business' are now there.

ACTION TAKEN:

Steve Schmidt moved to flip the next two agenda items. Alan Malan seconded the motion and voting was unanimous in favor.

R-1-10 Zone Flag Lot Discussion

Mr. Ahlstrom noted that there were minutes included in the commission packets that talk of prior handling of Flag Lots in the R-1-10. Mr. White stated that the issue before the commission this evening is that Flag Lots are not allowed in the R-1-10 zone. Mr. Ahlstrom and Mr. Hopkinson noted that there was an ordinance put in place where all zones can have Flag Lots. Mr. White will do some research concerning this issue.

Jan Carbone addressed the commission stating she is currently living in Sandy, but her mother owns property 735 West 400 North and they are proposing to put a driveway beside her home and build a home behind her home so that she can stay in her home while being cared for. Drive will be 150 feet and our guidelines are currently 100 to 200 feet. They are questioning why they cannot build in this zone per Mr. White's information given to her. Mr. White stated that a public hearing needs to be set and then recommendations need to be sent to City Council for final approval. Mr. Ahlstrom noted that there have been a handful of flag lots approved at the planning commission level. They will set a public hearing incase it is needed.

ACTION TAKEN:

Alan Malan moved to approve the flag lot at 735 West 400 North upon findings of the approval that the commission has the authority to do so and with the suggested amendment from Steve Schmidt that a Public Hearing be set if needed. Terry Turner seconded the motion and voting was unanimous in favor.

Discussion on proposed amendments to the Farm Animal Ordinance (17.24.080 - 17.20.080 and 17.16.080)

Ben White noted that City Council has asked that the staff review the farm animal ordinance. Staff has included some of their suggestions on their thinking and along with some discussion from last Planning Commission meeting. The Equestrian committee met this evening and has added some of their thoughts and concerns.

Five (5) Points that need to be addressed per the request of the Equestrian Committee are as follows:

- Committee members like point system but feels that 40 points is too much per horse suggest they are worth 20.
- They would like to see the ordinance have the inclusion of mini animals, ponies, donkeys, goats, sheep and other similar sized animals
- Properties should be owned/leased by same person. "For family use" is a concern to them.
- They want language from the Farmington Agriculture Ordinance in our ordinance regarding injuries that can occur to agricultural operations. When is it too much regarding odors, noises, insects, etc. "Buyer Beware" type language. Where to apply this is yet to be determined.
- Committee did not like the Notary portion of the ordinance.

Mr. White noted that the time line for this ordinance is urgent because of the challenge to our current ordinance by a citizen and that legal council noted some need for changes in the current ordinance per Mr. Hopkinson's inquiry.

Mr. Hopkinson noted that there are a lot of properties that will be grandfathered into this ordinance and the current ordinance. Mr. White agreed that their status will not change if they currently are grandfathered in for the current ordinance. City Council gathered from the current ordinance that points cannot be shared among parcels and they desire our current ordinance to be reviewed and changed to meet what our city desires concerning the farm animal issue. It was noted that the current ordinance has been unchallenged for 10 years. Ben White noted that there has been some enforcement issues that have come up. He noted that we need to deal with the whole ordinance as we review a portion of it being requested to review.

ACTION TAKEN:

Denis Hopkinson moved to extend the meeting to 10:45 p.m. Motion was seconded by Alan Malan and voting stood unanimous in favor.

Fran Wilby stated that the point system should be changed to include two (2) horses per ½ acre where WB only allows 1 horse per ½ acre which was why the Equestrian Committee is recommending the lower points for animals. Some discussion took place on addressing “temporary animals” for show, for training, breeding and for rescue animals.

The commissioners' suggestions to language presented from the Chapter 10 of the Farmington Agricultural Zone and our current ordinance were as follows:

- Take for “family use out”
- Change # of points
- Add language for Temporary Animal Uses (show, breeding, rescue, training, etc.)
- Take out #3 under section “D”
- Address language in “C” and do away with.
- Commissioners are in favor of the Farmington Language
- Incorporate grandfather language
- Denis did not like the temporary animals to be opened for the ordinance.
- Steve Schmidt and Denis Hopkinson is concerned with the 100 point system. Denis would like to have a condensed version of what the Equestrian Citizen's are requesting presented.

Mr. Hopkinson stated that we don't want to make changes just to make changes. He suggested that we do not be so intrusive on people's rights.

In addition to the above recommendations to staff, it was determined that each commissioner would review the proposed ordinance and send their comments via email.

Staff will tweak language to be presented to the commission for their review. Any proposal for temporary animals needs to be present to staff as a recommendation but staff will not include it in the draft proposal.

Staff Report

- Ben White informed the commissioners that they will no longer get a notebook of information but rather a folder including updates of information.

Approval of Minutes dated September 27, 2011

ACTION TAKEN:

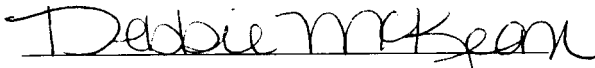
Denis Hopkinson moved table the approval of the minutes dated September 27, 2011 until next meeting. Alan Malan seconded the motion and voting was unanimous in favor.

Adjournment

Terry Turner 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 10:35 p.m.


JAMES AHLSTROM /CHAIRMAN


HEIDI VOORDECKERS/CITY RECORDER


DEBBIE MCKEAN /SECRETARY

