

**West Bountiful City  
Planning Commission**

**February 28, 2012**

**Posting of Agenda** -The agenda for this meeting was posted on the State of Utah and City of West Bountiful website and sent to Clipper Publishing Company on February 24, 2012 per state statutory requirement.

**Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, February 28, 2012, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry Turner, Vice Chairman, Alan Malan, and Steve Schmidt, Planning Commissioners. Laura Charchenko, Alternate Commissioner.

**MEMBERS/STAFF EXCUSED:** Ben White, City Engineer and Mike Cottle, Planning Commissioner.

**STAFF PRESENT:** Craig Howe (City Administrator), Heidi Voordeckers (City Recorder), Cathy Brightwell, Bev Haslam, and Debbie McKean (Secretary).

**VISITORS:** Rob and Natalie Jackson, Fran Wilby, Lon Griffith, Kelly Enquist.

The Planning and Zoning Meeting was called to order at 7:30 p.m. by Chairman Denis Hopkinson. Steve Schmidt offered a thought.

**I. Accept Agenda**

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

**Business Discussed:**

**II. Consider Approval of a Conditional Use Permit for an Accessory Dwelling Unit (ADU) for Robert Jackson, 1607 North 800 West.**

- Included in the Commissioner's Packet was an application for a Conditional Use Permit from Robert Jackson, 1607 North 800 West, to divide a 10,000 sq. ft. home into two separate living spaces.
- A diagram of their property including the proposed tenant space and owner-occupied space.
- ADU Ordinance.

Robert Jackson, owner of the home requesting a conditional use permit for an accessory dwelling unit (ADU), took the stand as requested by Denis Hopkinson. Chairman Hopkinson reminded the commissioners that the new ADU Ordinances has been in effect for 6 months. Mr. Jackson is requesting that the home be divided and be allowed to have a rental unit. Staff recommended that the commission move forward with the approval of a conditional use permit with their suggested conditions in a memo to the Planning Commission dated February 24, 2012.

Alan Malan asked how big the rental unit would be. Mr. Jackson responded 3,000 sq. feet. He also inquired about parking for the rental unit. Mr. Jackson responded that the rental side has

four parking areas. Terry Turner was concerned that there would be more cars than four with the size of the rental unit. Chairman Hopkinson referred to the drawing that was included with the application. He noted that one of the stipulations was that the building inspector, inspect the property and that has already been done. Cathy Brightwell stated that the building inspector found no problems with the property and no recommendations were made by the building inspector. Mr. Jackson has done a lot of work on the home that was in distress before he purchased it.

Mr. Jackson is comfortable with the stipulations that the staff recommended which included:

- Inspection by the City's Building Inspector
- Ensure that tenants have available to them a minimum of two parking spaces. There are four.
- Permit is non-transferable. If at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the permit shall be revoked pursuant to 17.60.080.
- Applicant will include any lease document used in connection with this property and the lease will terminate upon the sale of the property.

Mr. Schmidt would like a copy of the lease document to be recorded with the Conditional Use Permit.

**ACTION TAKEN:**

**Alan Malan moved to approve a Conditional Use Permit for an Accessory Dwelling Unit (ADU) for Robert Jackson, 1607 North 800 West, with for following conditions: applicant will insure that the tenants have parking for two cars, the permit is not transferable and must be owner occupied, lease will terminate upon the sale of the property, and the city gets a copy of the lease. Motion was seconded by Laura Charchenko.**

**Roll Call vote was called by Chairman Hopkinson:**

Laura Charchenko – Aye

Terry Turner- Aye

Chairman Hopkinson- Aye

Steve Schmidt – Aye

Alan Malan- Aye

**III. Set Public Hearing for Carbone Subdivision**

Chairman Hopkinson reminded the commission where this Subdivision was located. He referred to the diagram and explained the layout of the property to the commissioners.

**ACTION TAKEN:**

**Laura Charchenko moved to set a public hearing for the Carbone Subdivision on Tuesday, March 13<sup>th</sup>, 2012 at 7:35 p.m. to receive public input. Alan Malan seconded the motion and voting stood unanimous in favor.**

**IV. Discuss Farm Animal Conditional Use process and standards.**

Chairman Hopkinson explained that he asked for this to be on the agenda so that the process for the new Farm Animal Ordinance could be discussed. Council gave the charge to the Planning Commission to set the laws and standards for this process.

Staff provided the Commission with a sample Conditional Use Application for their review.

Proposed items to include in the Animal Ordinance Conditional Use Permit Application were:

- Attach diagram of your property indicating dwellings, fences and enclosures, and outbuildings.
- Describe the number and types of animals currently kept on the above property.
- What additional animals are you requesting approval?

Chairman Hopkinson asked the questions of how standards will be set and who will be deciding those standards? He asked for discussion on how this should be approached. Alan Malan liked the first two questions, but felt the rest of the questions were not necessary because the ordinance sets the standard. Those being the following:

- How will you house the additional animals?
- How will you ensure containment?
- How will you handle animal waste to mitigate flies, odors, storm water drainage and other health concerns?
- How will you manage and control additional dust created as a result of having more animals?
- How will you protect adjoining fences, vegetation and personal property on or near the property lines?

He used Fran Wilby's application as an example. He pointed out some scenarios that could happen in regards to animal care. He asked the commissioners if they want to decide this. Or, do we want Staff to think this out and come with further proposals?

Terry Turner felt our intent was not to tighten up the ordinance to dictate but to guide.

Steve Schmidt felt that the questions currently included on the suggested application were enough for the Planning Commission to make a decisions.

Alan Malan felt that we should have information regarding the number of animals and points the applicant currently has on their property. The question should also be asked if they are pooling.

Denis did not feel we needed to know what kind of housing was being supplied for the animals but after a brief discussion decided because of smaller animals (chickens, ducks, etc.) that we should keep this as part of the application in gathering and considering information.

Chairman Hopkinson pointed out that storm water drainage needs to be mitigated. Mr. Schmidt felt that the question regarding animal waste would lead animal owners to not be honest. Specific items like flies and odors need standards set to them. Heidi suggested that maybe an open space on the application for descriptions of these things would be better suited for the application. The question was posed, Do we want to set a standard or not for flies and odors? Terry Turner noted that it may be hard to set those standards and that we may want to use the nuisances part of the ordinance to determine these standards.

It was recommended to delete the flies and odors part of the question. It was felt that the ordinance covered that issue.

Cathy noted that Ben put this in because of complaints that are usually received. They felt comfortable to add those questions because there are ways to control those situations. Staff felt it would be helpful to have those answers available when complaints were made. Commissioners came to the agreement that they did not want this included as a question in the application process.

Steve Schmidt suggested we include the question of why they would be applying for more animals. Laura and Terry felt this would be none of our business. It was decided not to include this question on the application.

Commission wanted to delete the “flies and odors“ from the application and also delete the manage and control dust question.

It was decided to keep the question, how will you provide protections for adjoining fences, vegetation and personal property on or near the property line?

Cathy pointed out that neighbors do not currently have to be notified, but staff will do that as a courtesy. Only Home Occupational Permits/licenses need to have neighbor signatures. Some discussion took place regarding whether or not it is necessary to notify neighbors. It was decided that there will be no notification to neighbors required.

Mr. Hopkinson asked for any comments from staff and those present in the audience. Mr. Howe felt this would be a work in process to refine this. He liked what has been done so far. He felt that the nuisance ordinance should be reviewed so that we have the standards in place that are necessary to sustain this new Farm Ordinance.

Mr. Hopkinson pointed out that all stipulations must be administered equally and applicable to the whole city.

Commission recommends to Staff the following:

- Add an existing point total in the header area and what amount of additions they are requesting. Add a line for Additional points total.
- Keep items 1-4 on the application
- Remove 5 and 6. Put the “e” paragraph of the zoning ordinance as a reminder to applicants that it is per the ordinance.
- Make item # 7 Item #5
- The remainder of the application should be as is.
- Add- no notifications need to be made to surrounding neighbors.

**V. Discuss possible changes to Chapter 17.60 Conditional Use Permit Ordinance and consider setting a Public Hearing for March 27 to receive input.**

Chairman Hopkinson pointed out that Staff has made recommendation to change this ordinances.

Cathy noted the purpose and reason for changes:

- Because the Farm Animal Conditional Use was adopted we need to change some language and problematic areas that they have found in the past.
- Adding “shall” instead of “may” in the language.
- Typos in the document.
- Change application to be reviewed by the staff.
- Eliminate the reporting requirement to the city council.
- Changing a few words here and there throughout the document.
- In 17.60.070 A - added 180 days non use of permit would warrant suspension of the permit but the Planning Commission could extend the two year limit.
- In 17.60.080 - Violations would warrant suspension of license until a review was made.

Denis questioned whether we really needed to hold a Public Hearing. Heidi will review the requirements for having a public hearing in regards to changing this ordinance which is a land use ordinance.

**Commission comments:**

- Terry thinks the ordinance looks good. Steve Schmidt and Laura Charchenko agreed.

- Alan Malan made the following comments because he feels since this is for both farm animals and regular conditional uses some things should not be changed:
  1. He feels “convenience” in the Purpose and Intent Section should be kept in. Heidi felt it was better to have just the health, safety, and general welfare. Steve Schmidt felt it should be struck.
  2. Page 2- C. b. Alan felt that we need to keep “enjoyment” in the language. Heidi asked how do we define enjoyment. Alan feels it should stay because it is a part of many legal documents as a description.

Page 2 Item #2 under C. Exceptions. - Denis feels that we may not need to be so specific with “zoning administrator” Craig pointed out that throughout the codes it refers to “zoning administrator”. He noted there will always be a zoning administrator. Craig pointed out the different conditional uses available within the city. Mr. Howe asked if we should separate out the different conditional uses instead of having just one ordinance for all of them. Denis suggested separate sub sections in specific areas as they apply. He feels that rather than modify the whole ordinance we could just have a sub section for Farm Animals. Chairman Hopkinson is opposed to having this ordinance spread out throughout the whole code.

17.60.040 on Page 3- B. - Mr. Malan felt that the language “reasonably and reasonable” should be restored. C. – Alan Malan felt that changing “consideration of” to “including” changes the whole meaning of the text.

17.60.050 - General Inspection- needs to have the building inspector included because other codes like the ADU include the language of building inspector. Add the language “and/or” between the City and Building Inspector and keep “to insure that development is undertaken and completed” this needs to stay because of development purposes.

On Page 4 17.60.060

Alan Malan felt that 17.60.070 A- the language “or is not completed within one year from date of issuance” should not be struck. He stated that it must stay in because it is also pertaining to all conditional uses permits.

Some discussion took place on 17.60 070.B. But it was determined that in regards to the Farm Animal Ordinance this would be placed as a stipulation, so that the two year time limit would not have to be observed. Mr. Malan feels that 17.60.080.A. Needs to stay as it is currently and that under B. of the same section that “suspend” should stay and also leave “suspended” language in the paragraph below.

Chairman Hopkinson summed up that the general consensus of the Conditional Use Ordinance would be to leave it as is, but place a sub section within the ordinance that would apply to the specifics of the Conditional Use permit for Farm Animals including the suggestions made above. Furthermore, keep the current ordinance as is with the following noted changes:

- Page 2 -Section C. 2 leave as per the suggested change.
- Change typos.
- Delete the two year time limit on Page 4 and include “as stipulated by Planning Commission.”
- Change five to ten on the last paragraph of Page 4.

#### **ACTION TAKEN:**

**Alan Malan moved to table setting the Public Hearing until further revisions are made Terry Turner seconded the motion. Chairman Hopkinson asked the motion be revised to include the changes that were discussed so that it is ready for review on the March 27<sup>th</sup>**

meeting before receive public. Terry Turner seconded the motion with the revision and voting was unanimous in favor.

#### VI. Discuss changes to Chapter 2.44 Historic Preservation Commission Ordinance regarding Land Use Issues.

Chairman Hopkinson explained that this is up for review to change the process per Mayor Romney's request. The historic district currently is 4<sup>th</sup> North and 8<sup>th</sup> West and runs up to 900 ? on the West Side and 10<sup>th</sup> North on the East side and to approximately 675 going east on 1000 North and includes all the property behind those areas. Denis Hopkinson explained the current procedure for someone wanting to develop property/or a home in that district. He noted the restrictions placed on designs and that it has to be an identifiable design in the era of 1848 to 1940. He explained that the restrictions are such that they are creating a hardship on the property owners, city administration and the historic commission. It is suggested that staff and the city zoning administrator be in charge of those functions and following the ordinance with the historic architect in place. This will give the function back to staff and leave the historic commission the time they need to preserve history.

It was suggested that there be no further discussion and that the commissioners study the information given to them in their packet, provide a memo to the Chairman with their proposals, and come back prepared for discussion.

#### VII. Staff Reports

- Land Use training by Utah League of Cities and Towns will be held at South Ogden City Hall on March 22. Heidi will email the information to the commissioners if they would like to attend.
- Residents will be notified of water outages along the 1100 West construction as they arise. It is anticipated this project will take 6 weeks and be followed by the 400 North Construction project.
- Denis asked for a update on the Holly Expansion. He advised the commissioners to get on top of the information because they will be hearing it at the commission level. He noted that Holly wants to get up to the approved level of production. Planning commission has no say on getting to the level of production, but they do have authority to approve the footprints of their expansion. Craig noted that better monitoring and technology has created less pollutants.
- Four Farm Animal Conditional Uses will be on the next agenda.

VIII. Commissioner Reports/Updates No reports were given.

IX. Approval of February 14, 2012 meeting minutes.

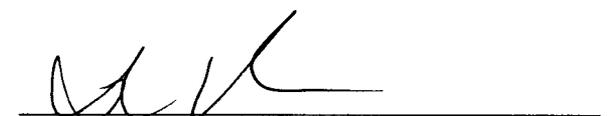
#### ACTION TAKEN:

Steve Schmidt moved to approve of the minutes dated February 14, 2012 with the noted corrections. Alan Malan seconded the motion and voting was unanimous in favor.

#### X. Adjournment

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:50 p.m.

  
DENIS HOPKINSON / CHAIRMAN

  
HEIDI VOORDIJKERS/CITY RECORDER

  
DEBBIE MCKEAN /SECRETARY

