

**West Bountiful City
Planning Commission**

March 13, 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 March 9, 2012 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, March 13, 2012, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Terry Turner, Vice Chairman; Mike Cottle, Alan Malan, Planning Commissioners; and Laura Charchenko, Alternate Commissioner.

MEMBERS/STAFF EXCUSED: Chairman Denis Hopkinson and Steve Schmidt.

STAFF PRESENT: Ben White, City Engineer, Cathy Brightwell, and Debbie McKean (Secretary), and Craig Howe.

VISITORS: Councilman James Ahlstrom, Joseph and Jan Carbone, Kelly Enquist, Fran Wilby, Lon Griffith, Clint Straatman, Monte Widdison, Wendy Harding, Kirk Harding, Elon Widdison, Katie Atkin, Paige Atkin, Marty Smith.

The Planning and Zoning Meeting was called to order at 7:30 p.m. by Vice Chairman, Terry Turner. Mike Cottle offered a prayer.

I. Accept Agenda

Vice Chairman, Terry Turner reviewed the agenda. He requested the addition of an agenda item, listed as 2a., to set a public hearing on March 27, 2012 for the Subdivision Ordinance. Alan Malan moved to accept the agenda as posted with the addition of setting a public hearing as 2.a. Laura Charchenko seconded the motion. Voting was unanimous in favor with those members present.

Business Discussed:

II. Public Hearing to receive input on Carbone Subdivision.

Included in the Commissioner packets was a memorandum dated March 9, 2012 from Ben White and Cathy Brightwell describing the proposal including a diagram of the property to be considered.

ACTION TAKEN:

Laura Charchenko moved to open the public hearing at 7:35 p.m. to receive input on Carbone Subdivision. Motion was seconded by Alan Malan and voting stood unanimous in favor among those members present.

Ben White gave an introduction to the location of the property to receive public input. The desire for the family is to build a home behind the existing home to assist with an elderly parent. The proposal is a two lot subdivision on 2.37 acres with one traditional small lot in the front and a flag lot behind. Staff has no issues and the application is straight forward except for the flag lot issue which requires a conditional use permit.

Public Comment:

- Jan Carbone took the stand in regards to the curb, gutter and sidewalk. She stated that when the lot was surveyed they found that the property that would have the curb, gutter and sidewalk was condemned for freeway right of way and is now the property of the UDOT. She wondered if the state would have to put in the improvements for the curb, gutter and sidewalk.

ACTION TAKEN:

Alan Malan moved to close the public hearing at 7:40 p.m. on the Carbone Subdivision. Motion was seconded by Mike Cottle and voting stood unanimous in favor for members present.

II a. Set Public Hearing to receive input on changes to Title 16, Subdivisions, of West Bountiful Municipal Code.

ACTION TAKEN:

Laura Charchenko moved to set a public hearing to receive input on changes to Title 16, Subdivisions, of West Bountiful Municipal Code on Tuesday, March 27, 2012 at 7:35 p.m. or as soon thereafter as time permits. Mike Cottle seconded the motion and voting was unanimous in favor of members present.

III. Discussion and decision on the Carbone Subdivision concept plan including a flag lot which is a conditional use in the R-1-10 zone.

Ben White stated that this property qualifies as a small lot subdivision and this is the only time the Planning Commission will see this application. The process moves directly to the City Council once the Planning Commission makes its recommendation.

A conditional use permit is required for the flag lot. The flag lot will be slightly less than 2 acres. The list of conditions are not requirements and do not all have to be required. Some will be applicable and some will not. The commission can come up with some additional conditions if they choose. Additionally, Mr. White explained that at some point in the past, the City constructed a water line across the property.

Mr. White requests the following conditions be placed on the subdivision approval:

- Staff is not recommending curb, gutter or sidewalk improvements be included until the time the property moves beyond the 2 lots subdivision phase or until more subdividing occurs in the future.
- Water meter placement can be decided when the applicant builds on the property and a site plan is provided.
- Applicant has requested to have a partial basement as was granted in the Greenhouse Circle lots west of their property. Applicant will need to investigate the depth of sewer and potential depth of the sewer lateral but allowing a basement under the same conditions is probably ok.
- In addition, Alan Malan felt the city should be given a cross access agreement for the water meter situation.

ACTION(s) TAKEN:

Alan Malan moved to approve the Conditional Use of the Carbone Small Lot Subdivision because it meets the conditions listed in the city municipal code 17.60 Conditional Uses under Items B, C, and E, and Items F through O, and Q-U. Water meter placement will be decided after site plans are submitted and it will be determined where the water meter is by a city cross access agreement to access the water meter. Mike Cottle seconded the motion and voting was unanimous in favor.

Laura Charchenko moved to approve the application for the subdivision with the condition that curb, gutter, and sidewalk be included as a deferred agreement if the subdivision is further subdivided. Water meter to be decided upon in the future and a basement be allowed if desired if it is found that the conditions are favorable in that area. Motion was amended to remove the requirement for public improvements to be deferred until further subdividing took place. Alan Malan seconded the motion and voting was unanimous in favor among those present.

IV. Consider approval of Farm Animal Conditional Use application of Frances Wilby at 505 North 660 West.

A Conditional Use application was submitted by Fran Wilby on February 22, 2012. Ms. Wilby is residing at 505 North 660 West/Parcel # 06-037-0162 in the R-1-10 zone of West Bountiful City. The property size is 1.25 acres. A diagram of the property indicating the dwellings, fences and enclosures and outbuildings was submitted with the application and will be kept on file.

Ms. Wilby has four horses at 160 points. She is entitled to 125 points on her own property and currently leases additional property to qualify for the fourth horse.

The owner is requesting approval so she can have her fourth horse on her property without leasing her neighbor's property.

Animal(s) will be housed in a three stall shelter and in 1 free-standing shelter which is already existing on the property.

To ensure containment of the animals a 3 foot fence attached to a 3 ft high cement wall surrounds the entire property. Additional fences have been installed inside the perimeter fence.

Animal waste will be hauled away regularly to control odors. The use of 2 types of fly control will be used to mitigate flies. There is currently no drainage problems on the land.

To manage and control additional dust created as a result of having more animals, the owner will use a sprinkler should dust become an issue.

Protection of adjoining fences, vegetation, and personal property on or near the property line is addressed because the horses are fenced 10 feet from the adjoining property lines where any concerns would be.

Neighbors were notified via a letter on 2/23/2012.

Contacts made from neighbor(s) consisted of a hand delivered letter from a neighbor, Mr. Troy Larsen. Memorandum will be on file with the application. Staff still recommends approval of the application even with the letter from the neighbor with findings to be in favorable conditions.

A memorandum from Cathy Brightwell was included with the application. The memorandum provided information concerning the application and the recommendation from Staff for approval of the submitted conditional use permit application. The memorandum recommends the following conditions:

- Applicant will ensure that animals will not cause damage to the neighboring properties
- Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code.
- Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public.
- The conditional use permit will expire upon sale of the property.

Some discussion took place regarding the complaint from the neighbor and the reason for complaint. Regarding the issues relevant to this application, Ms. Wilby stated she had addressed the situation and feels the fences put in place are sufficient to keep the animals contained. With

approval of the conditional use permit, the applicant will no longer need to lease property to be in compliance with City ordinances.

ACTION TAKEN:

Alan Malan Moved to approve the Farm Animal Conditional Use application for Fran Wilby at 505 North 660 West with the following conditions as found in 17.24.080. Applicant will ensure that animals will not cause damage to the neighboring properties, Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code, Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public, and the conditional use permit will expire upon sale of the property. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.

V. Consider approval of Farm Animal Conditional Use application of Katherine, Paige and Russell Atkin at 1552 North 800 West.

A Conditional Use application was submitted by Katherine, Paige, and Russell Atkin on February 23, 2012. The above applicants are residing at 1552 North 800 West /Parcel # 60140032 in the R-1-10 zone of West Bountiful City. The property size is 1.34 acres. A diagram of the property indicating the dwellings, fences and enclosures and outbuildings was submitted with the application and will be kept on file.

Property Owner currently has 4 pigmy goats, 5 geese, and 2 horses on the property. Current points allowed for this property are 134. Current points being used are 140 but varies depending on how many horses she is training for the wounded warrior program.

The owner is requesting approval for one or two additional horses (therapy horses for the wounded warriors program).

Animal(s) will be housed in stalls and a barn.

To ensure containment of the animals multiple fences and gates will be used.

Animal waste will be stored and composted and transported to a green waste facility or donated to friends regularly to control odors.

To manage and control additional dust created as a result of having more animals, the owner will use a sprinkler system hooked up to an artesian well and a tractor to groom land.

Protection of adjoining fences, vegetation, and personal property on or near the property line is addressed because the property is not near any damageable property.

Neighbors were notified via a letter on 3/07/2012.

Contacts made from neighbors consisted of none.

A memorandum from Cathy Brightwell was included with the application. The memorandum provided information concerning the application and the recommendation from Staff for approval of the submitted conditional use permit application. The memorandum recommended the following conditions:

- Applicant will ensure that animals will not cause damage to the neighboring properties
- Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code
- Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public.
- The conditional use permit will expire upon sale of the property.

- Mr. Malan asked about property not being next to any damageable property. Property owner stated that there is a fence within a fence. Mike Cottle noted that there would be no problem with that property as he knows the property barriers.

Alan Malan moved to approve the Farm Animal Conditional Use application for Atkin at 505 North 660 West with the following conditions as found in 17.24.080. Section C, D and E. Applicant will ensure that animals will not cause damage to the neighboring properties, Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code, Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public, and the conditional use permit will expire upon sale of the property. Mike Cottle seconded the motion and voting was unanimous in favor among those members present.

VI. Consider approval of Farm Animal Conditional Use application of Marty Smith, Bountiful Equine Rescue Ranch, 1061 West 400 North.

A Conditional Use application was submitted by Marty Smith on March 6, 2012. Ms. Smith is residing at 1061 West 400 North/Parcel # 06-038-0016 in the R-1-22 zone of West Bountiful City. The property size is 1 acres owned and 2 acres leased. A diagram of the property indicating the dwellings, fences and enclosures and outbuildings was submitted with the application and will kept on file. A lease agreement was also submitted with and signed by both Ms. Smith and leased land owner, Terry Olsen.

Property Owner currently has 7 horses on the property totaling 3 acres with the leased property. All 7 horses are housed in individual stalls on the 1 acre of property at night but let out to pasture when conditions permit. Property owner also has a verbal agreement to use adjoining property in addition to the property leased from Mr. Olsen. Other animals include a donkey, goat, and some chickens but will still fall within the points allowed for the property with approval of the conditional use permit.

Animal(s) will be housed on all property leased or mentioned above.

To ensure containment of the animals fences are currently in place.

Animal waste will be hauled away regularly to control odors. The use of fly control will be used to mitigate flies. There are currently no known drainage problems on the land.

To manage and control additional dust created as a result of having more animals, the owner will use a sprinkler should dust become an issue.

Protection of adjoining fences, vegetation, and personal property on or near the property line is addressed because the animal owner will keep watch making sure the near by property is protected.

Neighbors were notified via a letter on 3/7//2012.

Contacts made from neighbors consisted of:

- Phone call to Council member McKean because neighbor could not come to the meeting. Council member McKean created a memorandum of the items addressed by neighbor Esther Brown and the memorandum will be kept on file. The neighbor stated Ms. Smith takes very good care of her animals but has a concern that she may have too many on her property when conditions prevent her from letting the horses on the leased property.
- Phone call from another neighbor to Cathy Brightwell in regards to a fence being broken between his property and the leased property. Neighbor is willing to split the cost of repair for the fence. Neighbor was not complaining but merely making notice of the situation.

Mr. Cottle asked how long the lease would last. Applicant stated indefinitely and there would never be more than seven horses on the property. It was noted that applicant owns a non-profit Rescue Ranch.

A memorandum from Cathy Brightwell was included with the application. The memorandum provided information concerning the application and the recommendation from Staff for approval of the submitted conditional use permit application. The memorandum recommended the following conditions:

- Applicant will ensure that animals will not cause damage to the neighboring properties
- Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code
- Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public.
- The conditional use permit will expire upon sale of the property.

Laura Charchenko moved to approve the Farm Animal Conditional Use application Marty Smith 1061 West 400 North. with the following conditions as found in 17.20.080. following items C. D. and E. Applicant will ensure that animals will not cause damage to the neighboring properties, Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code, Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public, and the conditional use permit will expire upon sale of the property. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VII. Consider approval of Farm Animal Conditional Use application of Clint Straatman at 688 West 400 North.

A Conditional Use application was submitted by Clint Straatman on February 28, 2012. Mr. Straatman is residing at 688 West 400 North/Parcel # 06-037-0055 in the R-1-10 zone of West Bountiful City. The property size is .48 acres. A diagram of the property indicating the dwellings, fences and enclosures and outbuildings was submitted with the application and will kept on file.

Property Owner currently has 0 horses on the property but is requesting that 2 horses be allowed. Current points are 0 for property owner. Available possible points for .48 property would be 48 points. Mr. Straatman is requesting a total of 50 points be allowed. He owns horses that are currently kept on another property and desires to have two horses on this property during the summer months.

Animal(s) will be housed in pens with heavy duty horse panels made from steel.

To ensure containment of the animals the property is fenced and they will be given food, water, and shelter and checked on and supervised daily both morning and evening.

Animal waste will be hauled away monthly to their other property to control odors. The use of fly control will be used to mitigate flies. Sand will be used to help with water dispersal.

To manage and control additional dust created the owner will use sand which will also help with the absorption of water.

Protection of adjoining fences, vegetation, and personal property on or near the property line is addressed because the owner will use electric fencing to keep the animals from leaning on the fence if there are problems.

Neighbors were notified via a letter on 3/7/2012.

Contacts made from neighbors consisted of none.

A memorandum from Cathy Brightwell was included with the application. The memorandum provided information concerning the application and the recommendation from Staff for approval of the submitted conditional use permit application. The memorandum recommended the following conditions:

- Applicant will ensure that animals will not cause damage to the neighboring properties
- Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code
- Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public.
- The conditional use permit will expire upon sale of the property.

Some discussion took place regarding not being a full ½ acre and it was determined that it was up to the Commission to round the .48 acre figure up to .50 acres. Ms. Brightwell explained she had talked with the City Attorney and he said they could round although if there was a complaint, they may have to enforce the 48 points. Councilman Ahlstrom noted that this is the last stop unless someone decides to appeal the decision to City Council. The applicant stated that there was a possibility he might be able to purchase a small piece of land behind his property if there was a problem down the road. Commissioner Charchenko asked about the diagram presented and the footage in the diagram. Alan Malan questioned about the electric fence that was being regarded in the application as a way to prevent the horses from reaching into the neighbor's property. It was determined that there is no grass for the horses to reach for. Mr. Straatman noted that he would not be using this device unless it was necessary to do so in the future. Presently the electric fence device would not be needed.

Mike Cottle moved to approve the Farm Animal Conditional Use application of Clint Straatman residing at 688 West 400 North with the following conditions as found in 17.24.080. items C, D, and E. Applicant will ensure that animals will not cause damage to the neighboring properties, Applicant will abide by all setback requirements in Chapter 17.24.080 of the City Municipal code, Applicant will control animal waste, debris, noise, odor and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public, and the conditional use permit will expire upon sale of the property. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.

Roll Call Vote was taken:

Alan Malan- Aye

Terry Turner- Aye

Laura Charchenko- Aye

Mike Cottle- Aye

VIII. Staff Report

- James Ahlstrom explained the reason for the three Council members that voted in favor of this conditional use process. He noted that all zones were included in this ordinance. It was because of the allowance of the R-1-10 zone that this was necessary. This process allows with notification to neighbors. After discussion with Council member McKean we may be able to tweak the process by requiring only those in the R-1-10 zone to use the Conditional Use permit process. He said they should probably wait a year to see if there were problems but the other zones may not need to go through the conditional use process.
- Cathy Brightwell announced the Land Use training at South Ogden City Hall on Thursday, March 22, 6- 8 p.m. Need to have names of those interested in attending by the end of this week.

- Conflict with schedules this summer. June 26th - Primary election no meeting can be held and July 24th is a state holiday. Meetings can be changed to another date or canceled. We will discuss that issue next meeting.
- Last meeting talked about possible changes in the Conditional Use permit. It has become more difficult than thought to separate the regular Conditional Use and the Farm Animal Conditional use ordinances. May not be ready to discuss by next meeting.
- Cathy Brightwell said they are working on changing the Historical Preservation Commission ordinance so that part of it is handled as land use issues.
- Ben White reported 1100 North project is going well and on schedule to be completed in the time allotted. Mr. White noted that road construction will be started on 4th North in 3 weeks.

No Commission reports were given.

IX. Approval of February 28, 2012 meeting minutes.

ACTION TAKEN:

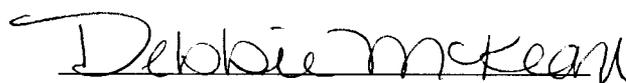
Laura Charchenko moved to approve of the minutes dated February 28, 2012 with the noted corrections. Alan Malan seconded the motion and voting was unanimous in favor.

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 8:40 p.m.


TERRY TURNER / VICE CHAIRMAN


HEIDI VOORDECKERS/CITY RECORDER


DEBBIE MCKEAN /SECRETARY

