

1 **West Bountiful City**  
 2 **Planning Commission**

**June 12, 2012**

3 **Posting of Agenda** -The agenda for this meeting was posted on the State of Utah Public Notice  
 4 website and the West Bountiful City website, and sent to Clipper Publishing Company on June  
 5 8, 2012 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**  
 7 **June 12, 2012, at West Bountiful City Hall, Davis County, Utah.**

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**Those in Attendance:**

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

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**MEMBERS/STAFF EXCUSED:** Planning Commission Chairman Denis Hopkinson.

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

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**VISITORS:** Marci Brady, James and Kathy Behunin, Craig Howe/City Administrator.

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The Planning Commission meeting was called to order at 7:30 p.m. by Vice-Chairman Terry Turner. Ben White offered a thought.

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**I. Accept Agenda**

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Vice-Chairman Turner reviewed the agenda. Steve Schmidt moved to accept the agenda as posted. Alan Malan seconded the motion. Voting was unanimous in favor.

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**Business Discussed:**

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**II. Consider approval of Farm Animal Conditional Use application for Marci Brady**

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Included in the Commission packets was a memorandum dated June 6, 2012 from Cathy Brightwell regarding an application for a Farm Animal Conditional Use permit for Marci Brady at 1572 North 900 West.

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Ms. Brady's application was submitted on June 1, 2012. Ms. Brady resides at 1572 North 900 West Willowbrook, Parcel # 06-020-0018 in the R1-22 Zone of West Bountiful City. The property size is .512 acres per county records. A diagram of the property indicating the dwellings, fences and enclosures and outbuildings was submitted with the application and will be kept on file.

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Due to a death in Ms. Brady's family, the applicant would like to move 2 horses from a relative's property to her property when the relative's property is sold. Her property totally backs up to the DRG trail and the area in which the horses will be located is fully fenced. The home to the south is vacant at the present time. The remaining adjacent homeowner has been notified. If granted the conditional use permit, the Animal(s) will be secured with a 5 ft. horse panel fencing around the property with locked gates. Animal waste will be hauled away regularly to control odors.

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Neighbors were notified via a letter on 6/5/2012. There was no response from neighbors who were notified.

1 The above stated memorandum from Cathy Brightwell was included with the application and  
 2 recommended approval of the submitted conditional use permit application. The memorandum  
 3 recommended the following conditions:

- 4 • Pursuant to Chapter 17.20.080, applicant will ensure that animals will not cause  
 5 damage to the neighboring properties
- 6 • Applicant will abide by all setback requirements in Chapter 17.20.080 of the City  
 7 Municipal code.
- 8 • Applicant will control animal waste, debris, noise, odor and drainage in accordance  
 9 with usual and customary health standards to protect the health, safety, and welfare of  
 10 the animals and the public.
- 11 • The Conditional Use Permit will expire upon sale of the property.

12 Mike Cottle stated he is familiar with the property and has no concerns with this application.

13 **ACTION TAKEN:**

14 **Mike Cottle moved to approve the Farm Animal Conditional Use application for Marci**  
 15 **Brady at 1572 North 900 West Willowbrook, West Bountiful with the following**  
 16 **conditions. Applicant will ensure that animals will not cause damage to the neighboring**  
 17 **properties, applicant will abide by all setback requirements in Chapter 17.20.080 of the**  
 18 **City Municipal code, applicant will control animal waste, debris, noise, odor and drainage**  
 19 **in accordance with usual and customary health standards to protect the health, safety,**  
 20 **and welfare of the animals and the public, and the conditional use permit will expire upon**  
 21 **sale of the property. Alan Malan seconded the motion and voting was unanimous in**  
 22 **favor.**

23 **III. Consider proposed changes to Historic Overlay District/Historic Preservation**  
 24 **Commission**

25 Planning Commission packets included a memorandum dated June 7, 2012 from Ben White,  
 26 Cathy Brightwell, Heidi Voordeckers regarding the Historic Preservation Commission and a  
 27 copy of Chapter 2.44 Historic Preservation Commission Code with the following suggested  
 28 modifications:

- 29 • Primary focus of the Historic Commission will be documenting the city's history,  
 30 historic preservation, consider properties to be added to the Historical register and  
 31 provide advice on property improvements within the Historic District.
- 32 • All land use issues would be handled by Staff and an Architectural Review Committee  
 33 then approved by the Planning Commission.
- 34 • Section 17.24.110 Historic Overlay District would be added as a new section to the  
 35 existing R-1-10 ordinance.

36 Alan Malan explained that the task at hand was to change that the Historic Commission not be  
 37 involved in approving the architectural and building design for the Historic District.

38 Regarding Section 2.44, Mr. Malan would like a change on Page 2 regarding Streetscapes and  
 39 Sidewalks and Park Strips. He felt that the original language, "the Historical Commission shall  
 40 determine" is preferable to "provide advice." He doesn't want the Commission to lose the  
 41 power to design the area within the Historic Commission. Some discussion took place  
 42 regarding this item. Mr. Malan gave examples of how the Commission should be able to assist  
 43 in the decision making. He explained that the street light design has already been determined  
 44 in Heritage Point and the commission should make sure it is abided by for future development.  
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46 Mr. Turner inquired about why these changes are being made. Mr. Malan explained that the  
 47 Mayor asked for the changes.  
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1 Mr. Malan suggested the following changes regarding the Architect in 17.24.110, “a licensed  
2 architect who has experience with *Utah* historical design.” On page 4 Item #5 – suggested that  
3 windows be recessed at least 2 inches from the outside of the exterior trim (windows may be  
4 double trimmed).

5 Cathy Brightwell explained that copies were given to the Historical Preservation Commission  
6 for their comments and they suggested Cheryl Searle review them as she was extensively  
7 involved in the development of the original language. Ms. Brightwell said they could delay  
8 sending this to the City Council and wait for review from Cheryl Searle. Some discussion took  
9 place. It was decided to send it to the City Council and Cathy would forward any significant  
10 changes from Ms. Searle to the commission and council.

11 **ACTION TAKEN:**

12 **Alan Malan moved to send the proposed changes to Chapter 2.44 and the new Historic**  
13 **Overlay District Section 17.24.110 to the City Council with the following changes:**  
14 **Chapter 2.44: Go back to the original language on Page 2, 2.44.030 C and C4 and Page 6,**  
15 **2.44.050 A.5. On Page 1 in 17.24.110 (Historic Overlay District) in the first paragraph,**  
16 **line 6, change to “a licensed architect who has experience with Utah historical design”**  
17 **and on Page 4, Section B.5, change the last sentence to “Windows must be recessed at**  
18 **least 2 inches from the exterior of the trim” so that double trim is acceptable. Laura**  
19 **Charchenko seconded the motion. Voting was unanimous in favor.**

20 **IV. Discuss the proposed subdivision- Chase Meadows- Frank Chase property/Pages**  
21 **Lane**

22 Included in the Commission Packets was memorandum dated May 25, 2012 from Ben White  
23 and Cathy Brightwell regarding the Chase Meadows Subdivision Concept Plan Submittal. The  
24 memorandum described the purpose of the meeting this evening, some general criteria for the  
25 proposed subdivision and staff’s suggestions for items to address regarding this proposal. Also  
26 submitted with was a plat plan of the proposed subdivision.

27 Ben White informed the commission that this is not an action item. He gave the commission an  
28 introduction to the subdivision. Neither the owner nor the developer was present. Frank Chase  
29 owns 10 acres of property on Pages Lane. Alan Prince has made an offer to purchase some but  
30 not all of the property. A lot line adjustment will need to be made in order to allow this to  
31 happen. Mr. White presented a diagram to the commission explaining where the boundaries  
32 would be. The lot line adjustment must be made before the land can be purchased by the  
33 developer. The proposal for the subdivision is 15 - ½ acre lots and 3 cul-de-sacs. Mr. White  
34 noted that this is a pretty straight forward subdivision with a few minor adjustments that would  
35 need to be resolved.

36 Mike Cottle stated he has a conflict of interest and excused himself from discussion of this  
37 agenda item. Mr. Cottle is the realtor for the sale of the proposed property.

38 Staff informed the commission that a Public Hearing was set for June 28<sup>th</sup> at 7:35 p.m. or as  
39 soon thereafter as time permits to hear public comment on the proposed Chase Meadows  
40 subdivision.

41 Development to the west has a temporary cul-de-sac which has no known responsible party to  
42 remove the temporary improvements. Some discussion took place in regard to who should be  
43 the responsible party to do the demolition of the cul-de-sac. Mr. White has found no  
44 documentation on who should be the responsible party. Mr. Malan felt the new developer  
45 should do the work. The temporary cul-de-sac was approved by the City Council because it  
46 was undetermined how long it would be before adjoining properties would be developed in the  
47 future.

48 Mr. Malan inquired where the mailboxes will be located. He does not want the boxes located  
49 on Pages Lane but within the subdivision. Mr. White will make sure that it is included in the  
50 preliminary design package.

1 The preliminary plat requires a public hearing. Mr. White explained the timeline involved in  
2 the process for approval. He noted that there is a Public Hearing scheduled for Thursday, June  
3 28<sup>th</sup>. If applicant gets his preliminary plan turned in, would it be okay to proceed with the  
4 hearing to keep the process moving forward? Mr. Malan does not like the idea of holding the  
5 Public Hearing on an evening that is not regularly scheduled. Mrs. Charchenko felt that if the  
6 hearing is held on a non-scheduled night, they may get more people to attend.

7 Steve Schmidt had questions regarding the legal status of the developer based on recent news  
8 articles. He was also concerned about the City's potential financial liability if the subdivision  
9 was not completed as required.

10 Mr. White informed the commission of two recent additions to the new Subdivision Ordinance.  
11 Bonding is a cash bond and can be held by banks but 10% would be held by the city. He  
12 explained the reasons for this. Inspection fees will be collected from the developer so that city  
13 manpower is paid for the funding and not tax payer dollars.

14 **V. Staff Report**

- 15 • **Next PZ Agenda will include a proposed subdivision in the Equestrian Center. Developer will bring a plan to ask for the Planning Commissions input. This would be a PUD. Staff does not think that it meets City Subdivision qualifications. Staff invited the developer to meet before the Planning Commission.**
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- 19 • **Cathy Brightwell reminded the Commission that the next meeting will be on Thursday, June 28<sup>th</sup> due to the Primary elections being held on the regularly scheduled Tuesday meeting. There will be only one meeting in July due to Pioneer Day falling on a regularly scheduled meeting night.**
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- 23 • **Ms. Brightwell reported that the City Council affirmed the Planning Commission's decision for the Jensen appeal. She noted that some changes are proposed for the Farm Animal Ordinance. City Council has asked that medium sized animal points be addressed. The Jensen's will also be requesting more flexibility in the ordinance. The issue will be on the agenda for June 28<sup>th</sup>. She asked for permission to set a public hearing regarding the Farm Animal Ordinance for July 10<sup>th</sup>. She was told to go forward with scheduling the hearing.**
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30 **VI. Approval of May 8, 2012 meeting minutes**

31 **ACTION TAKEN:**

32 **Alan Malan moved to table approval of the minutes dated May 8, 2012 due to not having**  
33 **Page 5 and 6 in their packets for review. Laura Charchenko seconded the motion and**  
34 **voting was unanimous in favor.**

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36 **VIII. Adjournment**

37 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting.**  
38 **Steve Schmidt seconded the motion. Voting was unanimous in favor. The meeting**  
39 **adjourned at 8:32 p.m.**

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43 TERRY TURNER- VICE CHAIRMAN  
44 RECORDER

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47 DEBBIE MCKEAN /SECRETARY

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HEIDI VOORDECKERS/CITY

