West Bountiful City
Planning Commission

January 22, 2013

Posting of Agenda- The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on January 18, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 22, 2013, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Mike Cottle, Steve Schmidt, Alan Malan, and Laura Charchenko/Alternate.

MEMBERS/STAFF EXCUSED: Vice Chair-Terry Turner and Cathy Brightwell (Deputy Recorder)

STAFF PRESENT: Ben White (City Engineer), Heidi Voordecker (Recorder/Finance Auditor) and Debbie McKean (Secretary).

VISITORS: none

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Mike Cottle offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Alan Malan moved to accept the agenda as posted. Steve Schmidt seconded the motion. Voting was unanimous in favor of members present.

Chairman Hopkinson excused Commissioner Terry Turner.

ACTION TAKEN:
Alan Malan moved to change agenda Item #2 down to Item #4 on the agenda in order to
give time for the applicant to show up to the meeting. Mike Cottle seconded the motion
and voting was unanimous in favor among members present.

Business Discussed:

II. Discussion of Curb and Sidewalk Policy

Included in the Commissioner's packets was a memorandum from Ben White dated January 15,
2013 regarding Sidewalk Policy and a copy of areas in our city code that would be pertinent to
this policy. Memorandum included a brief background of why it has become necessary to
consider a policy for sidewalks and curb and gutter and such a policy would need to be backed
by City Code. The memo also informed the Planning Commission that the City Council would
like them to recommend such a policy and determine if it is supported by our current code or in
the case that it is not, to make recommendations to modify the city municipal code.

Ben addressed the Commissioner's in regards to the responsibility the staff has to make sure the
city infrastructure is maintained. He explained the dilemma there is after the contractor's
warranty is up and sidewalks need repair both on new subdivisions and older alike. Staff
struggles with what they are allowed to do in regards to these situations. Currently there is no
code that addresses this and Mr. White would like to have something in place so the staff knows
the direction the city should take in regards to broken sidewalks that need to replaced. He is
looking for direction from city officials.

- Mike Cottle thinks whoever owns the lot would have the responsibility to fix the
  sidewalk.
- Steve Schmidt feels like the owner should take care of repairs when needed to come up to
  a serviceable standard.
- Laura Charchenko feels like 'h and 'h responsibility sounds fair. Ben noted that in the
  case of existing sidewalks this would be okay, but newer sidewalks would be a different
  situation.
- Some discussion took place regarding what are ordinary repairs vs. extraordinary repairs
  with Chairman Hopkinson noting some examples.
- Mr. Hopkinson noted that our city code is similar to other cities. He suggested that
  maybe a policy could be developed using something like a fact sheet. If X is the situation
  then this would be done to determine what would be ordinary and extraordinary repairs.
  Mr. Hopkinson feels the language is in our code to enforce the different scenarios, but we
  need to have policy to go along with the code.
- Mr. White would like to attach polices to building permits so that builders and developers
  would know what is allowed and be aware of our code and policies beforehand.
- The question was posed whether we want to keep the 50:50 split of responsibility in the
  extraordinary repairs section? If damage is caused by the contractor the 50:50 split
  would not be in effect. Mr. White will look at adding language to that area to clarify
  these conditions.
Alan Malan does not feel it is fair that new sidewalks be put in when the sidewalk beside that property is in worse condition than the new sidewalk to be put in. Ben White clarified that it has to be brought to a "serviceable condition" not necessarily new condition. New home, new sidewalk. Older existing home, "serviceable condition" applies.

Chairman Hopkinson noted that the city has some responsibility to maintain safety where older existing situations occur.

Mr. Hopkinson suggested that staff take upon them the task to create a policy to go with the current code regarding sidewalks. Mr. Schmidt noted that it should be all inclusive so that developers/homeowners know what is expected. That information can be available on the internet. He was not in favor of having a lot of extra paperwork for people to sign off on. He felt it needed to be their responsibility to know what is in our code. Home owners should be urged to look at the code as well.

Mike Cottle inquired what the city policy is regarding a tree that has caused damage. Ben responded that the tree would need to be removed first and then the city would split the cost 50/50. Mr. Schmidt pointed out that the city needs to make people aware that they are responsible and liable for whoever is hurt on their property. They should want to keep the sidewalks in front of their home in good condition to keep liability at a minimum.

ACTION ITEM:

Commission directed staff with the action item to develop an exhibit to attach to the current code for the next meeting.

Mike Cottle updated the commission on the Ranches at Lakeside noting that he is not sure the status on the development but should know something at the end of January.

III. Staff Report

Ben White noted that he thought the temporary cul-de-sac agreement was done for Pages Lane Meadows. As he was making the final preparations for the agreement, he was notified of a homeowner not being in favor of the agreement. This item will be taken back to City Council at their next regularly scheduled meeting.

Mr. White informed the Commissioners that an accessory structure will be placed before them on the next agenda from a home owner. He encouraged them to give thought to that situation.

- 400 North being paved this year has caused the City Council to look at having a moratorium on cutting into new pavement. This may come before them at sometime in the near future.

700 North will be the next major project and the residents are being notified of a meeting to be held for questions and answers a week from Thursday on January 31.

Cutting and Patching will continue to be done.
Heidi informed them that budget requests are being collected for next fiscal year's budget preparation.

Ben White noted that in the spring a seal coat will be put on 400 North with new striping to include parking in front of homes with an 8 foot shoulder. There will be a turn lane at 800 and 1100 but not down the entire road.

IV. Conditional Use Permit for Karen Day's Home Occupation request to teach Yoga in her home at 763 West 1950 North

Included in the Commissioner's packet was a memorandum dated January 17, 2013 from Cathy Brightwell regarding the application for a Home Occupation Business License for namasDay Yoga from Karen Day at 763 West 1950 North (R-1-10 Zone). The memorandum included the following highlights:

- Hold Yoga classes at her residence for one to two hours, three to four times a week in the evenings and on Saturday during the day.
- Class size not to exceed 6 participants.
- A notice of application was given to eleven neighbors living within a 300 foot radius. No objections have been received to date.
- The residence provides off street parking for 6-8 vehicles.
- Approval is needed by the Planning Commission in accordance to Municipal Code, Home Occupations, Section 5.28.040 (K). Reference was cited in the memorandum.
- West Bountiful Municipal Code, Conditional Uses, Section 17.60.040 allows a Conditional Use Permit to be issued by the Planning Commission once it determines that reasonable conditions are met.
- Based on review, staff recommends their approval of the application with the following conditions suggested 1) Class size be limited to a maximum of 6 participants, 2) Participants will be encouraged to park on the driveway with no more than (2) two vehicles parked on the street at any given time, 3) payment of Home Occupation Business License ($50) be paid upon approval of Conditional Use Permit.

Packet also included the application for the Conditional Use Permit, the Home Occupation Business License application and a Notice signed by owners of properties within 300 feet of the proposed business.

Ms. Karen Day was not present at this meeting. Chairman Hopkinson reviewed the application with the Commissioners. He noted that there is enough parking on the property for 8 vehicles which is important for neighbors in that area. He invited the commission to make comment and conclude with a motion.

- There were no issues among any of the Commissioners. The parking situation had been satisfied.

ACTION TAKEN:
Alan Malan moved to approve the Conditional Use/Home Occupation Business License for Namas Day Yoga at 763 West 1950 North for Karen with 3 conditions which are 1) a limit of 6 participants at a time, 2) limited parking and no more than 2 vehicles on the street at a time 3) payment of fees for Home Occupation Permit be made. Laura Charchenko seconded the motion and voting was unanimous among those members present.

V. Approval of Minutes of January 8, 2013.

ACTION TAKEN:
Laura Charchenko moved to approve of the minutes dated January 8, 2013 with suggested changes. Steve Schmidt seconded the motion and voting was unanimous in favor.

VI. Adjournment

ACTION TAKEN:
Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor among the members present. The meeting adjourned at 8:27 p.m.

DENIS HOPKINSON/CHAIRMAN  HEIDI VOORDECKERS/CITY RECORDER

DEBBIE MCKEAN/SECRETARY