

1 West Bountiful City
2 Planning Commission

January 22, 2013

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

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

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10 Those in Attendance:

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

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

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

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23 VISITORS: none

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

27 I. Accept Agenda

28 Chairman Hopkinson reviewed the agenda. Alan Malan moved to accept the agenda as posted.
29 Steve Schmidt seconded the motion. Voting was unanimous in favor of members present.
30 Chairman Hopkinson excused Commissioner Terry Turner.

31 ACTION TAKEN:

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

35 Business Discussed:

36 II. Discussion of Curb and Sidewalk Policy

37 Included in the Commissioner's packets was a memorandum from Ben White dated January 15,
38 2013 regarding Sidewalk Policy and a copy of areas in our city code that would be pertinent to
39 this policy. Memorandum included a brief background of why it has become necessary to
40 consider a policy for sidewalks and curb and gutter and such a policy would need to be backed
41 by City Code. The memo also informed the Planning Commission that the City Council would
42 like them to recommend such a policy and determine if it is supported by our current code or in
43 the case that it is not, to make recommendations to modify the city municipal code.

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

- 51 • Mike Cottle thinks whoever owns the lot would have the responsibility to fix the
52 sidewalk.
- 53 • Steve Schmidt feels like the owner should take care of repairs when needed to come up to
54 a serviceable standard.
- 55 • Laura Charchenko feels like 'h and 'h responsibility sounds fair. Ben noted that in the
56 case of existing sidewalks this would be okay, but newer sidewalks would be a different
57 situation.
- 58 • Some discussion took place regarding what are ordinary repairs vs. extraordinary repairs
59 with Chairman Hopkinson noting some examples.
- 60 • Mr. Hopkinson noted that our city code is similar to other cities. He suggested that
61 maybe a policy could be developed using something like a fact sheet. If X is the situation
62 then this would be done to determine what would be ordinary and extraordinary repairs.
63 Mr. Hopkinson feels the language is in our code to enforce the different scenarios, but we
64 need to have policy to go along with the code.
- 65 • Mr. White would like to attach polices to building permits so that builders and developers
66 would know what is allowed and be aware of our code and policies beforehand.
- 67 • The question was posed whether we want to keep the 50/50 split of responsibility in the
68 extraordinary repairs section? If damage is caused by the contractor the 50/50 split
69 would not be in effect. Mr. White will look at adding language to that area to clarify
70 these conditions.

- 71 • Alan Malan does not feel it is fair that new sidewalks be put in when the sidewalk beside
72 that property is in worse condition than the new sidewalk to be put in. Ben White
73 clarified that it has to be brought to a "serviceable condition" not necessarily new
74 condition. New home, new sidewalk. Older existing home, "serviceable condition"
75 applies.
76 • Chairman Hopkinson noted that the city has some responsibility to maintain safety where
77 older existing situations occur.

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

84 Mike Cottle inquired what the city policy is regarding a tree that has caused damage. Ben
85 responded that the tree would need to be removed first and then the city would split the cost
86 50/50. Mr. Schmidt pointed out that the city needs to make people aware that they are
87 responsible and liable for whoever is hurt on their property. They should want to keep the
88 sidewalks in front of their home in good condition to keep liability at a minimum.

89 ACTION ITEM:

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

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

94 III. Staff Report

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

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

102 • 400 North
being paved this year has caused the City Council to look at having a
103 moratorium on cutting into new pavement. This may come before them at
104 sometime in the near future.

105 • 700 North will be the next major project and the residents are being notified of a
106 meeting to be held for questions and answers a week from Thursday on January 31.

107 • Cutting and Patching will continue to be done.

- 108 • Heidi informed them that budget requests are being collected for next fiscal year's
109 budget preparation.
- 110 • Ben White noted that in the spring a seal coat will be put on 400 North with new
111 striping to include parking in front of homes with an 8 foot shoulder. There will be
112 a turn lane at 800 and 1100 but not down the entire road.

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

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

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

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

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

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

144 ACTION TAKEN:

145 Alan Malan moved to approve the Conditional Use/Home Occupation Business License for
146 Namas Day Yoga at 763 West 1950 North for Karen with 3 conditions which are 1) a limit of
147 6 participants at a time, 2) limited parking and no more than 2 vehicles on the street at a
148 time 3) payment of fees for Home Occupation Permit be made. Laura Charchenko
149 seconded the motion and voting was unanimous among those members present.

150 V. Approval of Minutes of January 8, 2013.

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

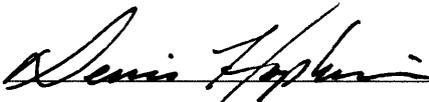
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156 VI. Adjournment

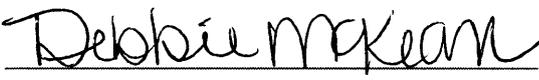
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158 ACTION TAKEN:
159 Alan Malan moved to adjourn the regular session of the Planning Commission meeting.
160 Laura Charchenko seconded the motion. Voting was unanimous in favor among the
161 members present. The meeting adjourned at 8:27 p.m.

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164 
165 DENIS HOPKINSON/CHAIRMAN


HEIDI VOORDECKERS/CITY RECORDER

166
167 
168 DEBBIE MCKEAN/SECRETARY



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