

**West Bountiful City  
Planning Commission**

**April 23, 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 April 19, 2013 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 23, 2013, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice Chairman Terry Turner, Alan Malan, and Laura Charchenko/Alternate.

**MEMBERS/STAFF EXCUSED:** Mike Cottle, Steve Schmidt.

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

**VISITORS:** none

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

**I. Accept Agenda**

Chairman Hopkinson reviewed the agenda. Terry Turner moved to accept the agenda as posted. Laura Charchenko seconded the motion. Voting was unanimous in favor among members present.

**Business Discussed:**

**II. Public Hearing- Title 12, Excavation Restrictions**

Notice for a Public Hearing was posted to receive input on changes made to Title 12, Excavation Restrictions.

**ACTION TAKEN:**

**Alan Malan moved to open the public hearing at 7:35 p.m. Terry Turner seconded the motion and voting was unanimous in favor among the members that were present.**

**PUBLIC COMMENT:** No public comment made.

**ACTION TAKEN:**

**Alan Malan moved to close the public hearing at 7:37 p.m. Laura Charchenko seconded the motion and voting was unanimous in favor among members that were present.**

### III. Consider changes to Title 12, Excavation Restrictions

Mr. White described the reason for the suggested changes that staff had made to Title 12- Streets, Sidewalks, and Public Places to include some excavation restrictions for streets that have been newly constructed. He explained that the intent of the new language is to prevent as much as possible requests to excavate newly constructed roads. He commented about the 7 year time frame and feels while it may be an arbitrary number, it is reasonable. In addition, the staff has taken the opportunity to make some minor housekeeping corrections throughout the document. The document has been reviewed by our city attorney, Steve Doxey. A copy of his suggestions for the document were included in the commission packets along with a memorandum from Ben White/Cathy Brightwell dated April 19, 2013 and a copy of Title 12 with suggested changes.

It was noted in the memorandum that the City Council reviewed the language and suggested changes from staff and desired a Public Hearing be held at the Commission level. After the Commission received comments from the public, they should make their suggested recommendation and forward them to the City Council for final approval.

Chairman Hopkinson stated that he had some discussion with citizens in the city about their opinion of the suggested changes to this Title. He received comments on the length of time suggested (7 years) to lock out cuts. Some felt that was too long a period to be locked out. Others he spoke to had questions regarding who would be responsible for the cost of the stub-ins. Mr. White noted that during the 400 North construction, property owners were able to have water and sewer stubbed to their homes for approximately \$1100 with no impact fees charged.

Some discussion took place regarding changes that should be made to the proposed Title 12, Excavation Restrictions.

Alan Malan suggested the following changes:

- Page 1, "in the *public right away*" should be added" for clarification.
- Page 2, Item B and C- needs a reference to our City standards.
- Page 3, replace "way" with "right of way" and add "contractor" to license.
- Page 5, 12.080.030 – change "way" to "right-of-way" and change throughout the document to be consistent.
- Page 6, #2 add "recommendation" instead of "discretion." Second Item B, "the city Public Works shall be notified" instead of the "city engineer." Item C, put a period after "has been begun" then strike the rest of the sentence.
- Page 7, 12.08.060 Heading, replace the word "council" with "city."
- Page 8, 12.12.020 and 12.16.010(C) - add "*city engineer*" strike "*Chief of Police*." Item B should be moved up to in 12.12.010.
- Terry Turner and Laura Charchenko had no other changes to recommend.
- Chairman Hopkinson suggested that the 7 year term in 12.080.030(B) be reconsidered and possibly replaced with 5 years for both new and overlaid streets. He asked the commissioners for their suggestions as to how long of time period this should be. He would like the commission to talk to constituents in this regard and forward their suggestions.
- Chairman Hopkinson noted that in 12.08.070 there needs to be a consequence or condition attached when someone fails to restore the street as required.
- Mr. Hopkinson asked if Steve Doxey had any concerns with the restrictions the City Council can impose on property owners. Some discussion took place with some scenarios being presented. Mr. Hopkinson is concerned that the proposed language could be used to block development or in some cases harm the City.
- Mr. White noted that the City Council can lift and impose restrictions as they desire. In 12.080.040(A) reasons are listed that could be used to determine council restrictions. Mr. Hopkinson stated that these restrictions should benefit the city as stated in #5.

- He requested that the commissioners think these things out. Mr. Hopkinson would like to hear Mr. Doxey's opinion.

Chairman Hopkinson directed staff to make the suggested changes and email them to the Commissioner's for consideration at the next meeting.

#### IV. Staff Report

- Mr. White noted that there is a homeowner located at 1425 N 840 West who desires to build an addition off the back of his home. Because the home was built at a slight angle on the lot, the addition would put him out of compliance with our setbacks. The plan is to extend the home approximately 12-15 feet in depth. Chairman Hopkinson mentioned that he thought there was a provision in our current code to have a variance for that situation. He will check it out and report back. Mr. White stated that he would like to find a way for this to work out for the resident and asked for the commissioners to make suggestions after reviewing the city code.
- Ben also reported that there may be a Home Occupation permit to operate a business out of an attached garage come before the commission in the near future. He encouraged them to study the code and come prepared with suggestions.
- 7<sup>th</sup> West construction begins next week. They will start from Pages Lane and work toward the south.

#### V. Approval of Minutes of April 9, 2013.

##### ACTION TAKEN:

Laura Charchenko moved to approve of the minutes dated April 9, 2013 as corrected. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

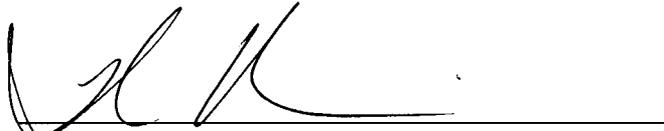
#### VI. Adjournment

##### ACTION TAKEN:

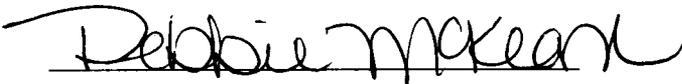
Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Terry Turner seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:20 p.m.



DENIS HOPKINSON-CHAIRMAN



HEIDI VOORDECKERS/CITY RECORDER



DEBBIE MCKEAN /SECRETARY

