

**West Bountiful City****May 28, 2013****Planning Commission**

**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 May 24, 2013 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 28, 2013, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

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

**MEMBERS/STAFF EXCUSED:** Chairman Denis Hopkinson;

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

**VISITORS:** Cris Hogan, Wade Workman and Jan Scoffield

The Planning Commission 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 Turner reviewed the agenda. Laura Charchenko moved to accept the agenda amending the agenda to combine and table items 3 and 4 until Chairman Hopkinson is present. Mike Cottle seconded the motion. Voting was unanimous in favor among members present.

**Business Discussed:****II. Subdivision approval – Onion Street Gardens (800 West & 1600 North/Cris Hogan)**

Commission packets included a memorandum from Ben White/Cathy Brightwell dated May 24, 2013 regarding Onion Street Gardens Subdivision (Hogan) with plat diagrams attached. The memorandum contained the following information:

- Mr. Hogan desires to subdivide the back half of his property at 780 West Pages Lane. The front portion, with the house, is currently a rental.
- Proposal of this subdivision first occurred in March.
- Applicant has agreed to sell some property to his neighbor in order to square up the property lines. This lot line adjustment will go to City Council.
- Subdivision has the same curb, gutter and sidewalk issues as other small lot subdivisions.
- Road improvements along 800 West will be occurring in the near future.
- Staff suggested Planning Commission make one of the following conditions part of their recommendation to the City Council regarding the timing of street improvements. 1. Improvements go in now, 2. Improvements be constructed at a future date, determined by the City, 3. Improvements never be required.
- Staff recommended Plat approval subject to approval of lot line adjustment and timing of infrastructure improvements.

Mr. White summarized the last meeting attended by Cris Hogan and his neighbor Mr. Zesiger. A lot line adjustment has been worked out between Mr. Hogan and Mr. Zesiger and will be heard at the next City Council Meeting. Mr. White reviewed the conditions listed in his memorandum and asked the commissioners to consider them when making their motion this evening.

Mr. Hogan merely wishes to sell the home that is currently on the property and is dividing the parcel to keep the back portion which is currently used as a family garden. He has no plans to develop it.

Some discussion took place regarding the existing properties and curb, gutter, and sidewalks. Mr. Malan is concerned about leaving the curb, gutter and sidewalk up to the new owner of the home. A deferred agreement makes the person(s) owning the home when the agreement is called due responsible to pay for the curb, gutter, and sidewalk.

Mr. Schmidt inquired about how the buyer would be aware of the conditions. Mr. White informed them that it would be recorded on the Title. Laura Charchenko wondered at what point the buyer would receive the information and restrictions on the Title. Mr. Cottle explained that a buyer would have access to the recorded information on a preliminary title report which is provided after the property is under contract.

Mike Cottle feels that they are better off waiting to put the improvements in but warned the owner that it could kill a purchase in the future or a reduction in the sale price of the home.

Laura and Steve were concerned with the burden on the future buyer but with the circumstances of road work in the near future along 800 West, it may not make sense to require the improvements now.

Alan Malan asked if there was any reason why curb, gutter and sidewalk could not be done only along Pages Lane. Mr. White informed him that if water lines along Pages Lanes were to start breaking, road work would be planned in the near future as well. He suggested they treat Pages Lane and 800 West as separate projects.

Terry Turner feels it is a bit premature to require curb, gutter and sidewalk at this point given the situation of near future road construction in that area.

Mike Cottle asked if all residents in that area would have to put curb, gutter, and sidewalk in. Mr. White answered in the negative.

**ACTION TAKEN:**

Laura Charchenko moved to approved Onion Street Garden Subdivision at 780 West/1600 North with the following conditions: City council approves the lot line adjustment, and curb, gutter, and sidewalk be deferred until city is ready to have it put in. Alan Malan Seconded the motion and voting was unanimous in favor.

**III. Consider Approval of Conditional Use Permit for a deck within rear setback at 973 North 700 West, Wade Workman.**

Commissioner's packets included a memorandum dated May 24, 2013 from Ben White regarding Deck/Accessory Structure Closer than 10 feet to main structure, a conditional use permit application from Innovative homes, and diagrams of the proposed site plans.

Cathy Brightwell explained that the city received plans for this property on May 22<sup>nd</sup> and noticed a deck on the plans. A letter was included with the plans that said Mr. Workman would like to move forward with the plan approval for the home and address the conditional use permit as it becomes necessary. Currently the issue of setbacks for decks and possible changes to our code are being reviewed by the Commission and, in the future, will be forwarded to the City Council for approval.

Mr. Workman explained he has been in the process of building homes in West Bountiful for some time. He explained the research he has done regarding decks. He explained that many people are trying to build decks and are finding it hard to comply with the city's current code. Decks exist all over and some are in compliance and some are not. He showed several photos of examples. This is a real issue and needs to be addressed. He explained that he builds all over the

state. His experience is that most cities are flexible and adapt to each unique situation. He invited the city to review their code in these regards. He informed the commission that people want to spend a lot of time in their backyards. He encouraged us to be a bit more homeowner and builder friendly. When asked about his preference between an attached and a detached deck, he said he prefers to have a deck attached.

He noted that West Bountiful charges twice as much as most cities to pull a building permit. Adding conditions, tabling delaying decisions, and such cost a builder money. Next to Park City, West Bountiful is the most expensive place to build in Utah.

Laura Charchenko informed Mr. Workman that currently the code is being reviewed and it may be to his advantage to wait a month to see if the changes made to the code would be in his favor.

Steve Schmidt clarified our code regarding detached decking opposed to attached decking.

Mr. Turner inquired about Mr. Workman's project and how the deck would affect the poring of his footings and foundation. Mr. Workman explained that it would have to be done in two steps if the deck is detached so would cost more money.

#### **Input regarding current yard regulations and setbacks for attached decks:**

- Mr. White explained that conditional use permits have created misunderstandings among home owners. He asked the Commission to consider if we were skirting the issue by allowing a deck to be an accessory structure. Mr. Malan concurred with Mr. White's comments.
- Mr. Malan said he had spoken with individuals regarding the code and said that most are in favor of reducing setbacks, up to a point.
- Mike Cottle noted that accessory buildings and decks are not the same so we really need to clarify this issue.
- Mr. Workman noted that the codes are universal in the state but the way they are looked at by individual cities differs.
- Mr. Turner noted that as more restrictions are made, the more our hands are tied. We should have some flexibility to allow homeowners to do what makes sense. He is in favor of making the code more efficient.
- Cathy Brightwell suggested that a public hearing be set to hear input on the issue if they are considering a change to the code.

#### **ACTION TAKEN:**

**Alan Malan moved to table this item from tonight's agenda to do further study of the issue and receive public input in a public hearing set at the next available meeting. The hearing will be limited to yard regulations specifically related to decks. Laura Charchenko seconded the motion and voting was unanimous in favor.**

#### **IV. Discussion of current yard regulations, particularly setbacks for attached decks.**

Commissioner's packets included a memorandum dated May 9, 2013 from Ben White regarding Setbacks- particularly for Decks with a copy of Chapter 17.24.050.

Discussion on this item was combined with agenda item 3.

#### **V. Consider changes to Title 12, Excavation Restrictions**

Commissioner's packets included a memorandum dated May 22, 2013 from Ben White/Cathy Brightwell in regards to Excavation Restrictions in Title 12 and a draft of Title 12/ Excavation Restrictions with suggested language changes as requested by Planning Commissioners. The document was reviewed by Steve Doxey and includes changes made by both Steve and the Commission.

Alan Malan suggested the following changes:

- Page 1 and 2 are well done.
- Page 6-A 2. Does it need to be recommended by the engineer? Mr. White noted that staff has a better understanding of those functions and the ability to communicate and

make recommendations. If preferred, it could be changed to “recommendation from city staff.”

- Page 6 C. - Mr. Malan recommended that language be added that includes “new techniques or other technologies that become available.”
- Page 7 – Section 080 – in the second to the last line, change “without legal excuse” to “without legal cause.”
- Page 9 B. – He feels this hinders even doing something temporarily. Language needs to be added explaining the time frame of the issue, to be reviewed. It was decided to add a period after “city.”

**ACTION TAKEN:**

Mike Cottle moved to accept the proposed changes to Title 12, as amended, and forward it to City Council for review and approval. Alan Malan seconded the motion and voting was unanimous in favor.

**VI. Staff Report**

- In response to Mr. Hopkinson’s questions at the last meeting, Mr. White reported that he met with a Holly representative and they will draft a letter explaining their policy on buying surrounding property. Holly has a prioritized purchase list of properties and makes offers on the properties as they come available. They maintain the properties and upgrade the homes and rent them back to employees. Holly’s policy is to maintain all homes they purchase in a neighborhood. Holly Corp. has no intentions of asking the city to change current zoning from residential to industrial. They are planning to build a substation as part of their expansion project but the property is already zoned IG (Industrial General).
- Cathy Brightwell informed the commissioner’s that a group picture will be taken at the next meeting if all members are present.

**VII. Approval of Minutes of May 14, 2013.**

**ACTION TAKEN:**

Laura Charchenko moved to approve of the minutes dated May 14, 2013 as presented. Steve Schmidt seconded the motion and voting was unanimous in favor among those members present.

**VI. Adjournment**

**ACTION TAKEN:**

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting. Mike Cottle seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:15 p.m.

  
TERRY TURNER / VICE CHAIRMAN

  
HEIDI VORDECKERS / CITY RECORDER

  
DEBBIE MCKEAN / SECRETARY

