

**West Bountiful City
Planning Commission**

October 8, 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 October 4, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 8, 2013, at West Bountiful City Hall, 550 North 800 West, Davis County, West Bountiful, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Commissioners Terry Turner, Alan Malan, Mike Cottle, and Laura Charchenko.

MEMBERS/STAFF EXCUSED:

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

VISITORS: Kent Harker, Brad and Michelle Jensen, Cory Sweat.

The Planning Commission Meeting was called to order at 7:33 p.m. by Chairman Denis Hopkinson. Mike Cottle offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor.

Business Discussed:

II. Consider Conditional Use Permit for farm animals for Brad Jensen at 1018 W 600 N

Commissioner's packets included a memorandum dated October 3, 2013 from Cathy Brightwell/Ben White regarding an Application for Farm Animal Conditional Use Permit for

Brad Jensen, the application from Mr. Jensen, a snapshot aerial view of his property, and a copy of a lease agreement.

Memorandum covered the following:

- Application from Brad Jensen was received October 2, 2013 for his property at 1018 West 600 North.
- Mr. Jensen currently has two horses and two goats (120 points) on his .42 acre in R-1-22 residential zone. His application indicates that he is leasing .35 acres from a neighbor which gives him a total of .77 acres, or 77 points to be used for farm animals.
- If a conditional use permit is granted, points for animals will be reduced to 70 which is within the required limits.
- The four neighbors whose properties are adjacent to Mr. Jensen have been notified of the application.
- Staff will inspect the property on October 7th.
- West Bountiful Municipal Code was modified on February 21, 2012 to allow a resident to apply for a conditional use permit to increase the number of farm animals allowed on their property.
- Subject to inspection, Staff believes the application meets the applicable standards and affirmative findings including that it will not be detrimental to the health, safety, or general welfare of persons residing/working in the vicinity, or injurious to property or improvements in the vicinity.
- Conditions necessary to approve the Conditional Use Permit.

Chairman Hopkinson introduced the Conditional Use Permit before them. Cathy Brightwell reviewed the application and lease agreement and explained that she and Ben inspected the property as scheduled. They found that the Jensen's plan to install a 3 foot gate between the properties once this application is approved. At that point, they intend to have the goats graze in the leased space. The goats will be staked rather than roaming free which allows them to be moved around the space as necessary, for example, to keep grass down uniformly. There is no intent to have the horses on the leased property although grass clippings will be dropped over the fence to feed the horses. Staff also proposed an additional condition to those included in their memo so that any changes to the lease arrangement will be immediately reported to the City.

Chairman Hopkinson reviewed the diagram of the property to the Commissioners. He noted that the buildings will not be available for use by the Jensen's. He stated that the application is complete and the findings of either affirmative or denied should be stated when making the motion. In addition, a condition should be included that if the lease is changed or terminated the conditional use permit will be terminated.

Chairman Hopkinson asked Mr. Jensen to take the stand. Commissioners asked the following questions:

- Laura Charchenko asked about the staking of the goats and how often the animals would be staked. She inquired about the breeding of the goats and his intentions to increase the number of goats housed on the property. She asked how neighbor's property was going to be protected. Mr. Jensen stated that breeding will be off site and if they have baby goats they will only be on the property for about 3 months, that by staking the goats the neighbor's existing buildings will be protected.
- Terry Turner did not have questions.
- Mike Cottle inquired about the outlines on the site plan. He asked if when the goats are on the Jensen's .42 acres they would exceed the point's requirement. Mr. Hopkinson responded that as long as the overall footprint, including leased property, meets the points requirements, there isn't a problem.
- Alan Malan asked how often mowing would occur. Mr. Jensen responded once a week.
- Chairman Hopkinson asked about sharing the leased property with the horses and was told it is not possible as it is the neighbor's grassed backyard area.

Cathy Brightwell suggested the Commission include a determination regarding 17.20.080 B.3b that addresses how leased the property will be used in a meaningful way.

Discussion took place regarding Ms. Brightwell's request. Mr. Malan noted that the use of feed for the horses and grazing of the goats would be a meaningful use of the property. Mr. Hopkinson reminded the commission that conditions can be placed if they feel they are necessary for the permit.

Some discussion took place regarding what conditions to place on how often animals need to be on the leased property. The point was made by the Jensen's that when weather conditions permit they will be on the leased property. Mr. Hopkinson noted that the intent of the overall ordinance is the total footprint and not the actual use. This answered Mr. Cottle's concerns. Mr. Jensen stated that winter weather conditions will make a difference where the animals are kept.

ACTION TAKEN:

Terry Turner moved to grant the Conditional Use Permit for Brad Jensen at 1018 West 600 North with the following conditions:

- 1. Applicant will ensure that animals will not cause damage to neighboring properties;**
- 2. Applicant will abide by all setback requirements in Chapter 17.20.080 of the City's Municipal Code, specifically prohibiting any farm animal pen or shelter to be located less than 75 feet from any neighboring dwelling or less than six feet from any property line or dwelling;**
- 3. Applicant will control animal waste, debris, noise, odor, and drainage in accordance with usual and customary health standards to protect the health, safety, and welfare of the animals and the public;**
- 4. Applicant's farm animals will have open access to the leased property; and**

5. Any changes to the lease agreement will be reported to the City, and the conditional use permit will terminate upon sale of property and/or the end of the lease agreement.

Mike Cottle seconded the motion.

Discussion took place regarding the definition of open access.

A friendly amendment was made by Alan Malan to remove "open" from the language in #4 and to add "*and the leased property will be used in a meaningful way*".

Laura Charchenko made a friendly amendment that "*this application meets the affirmative findings listed in 17.60.040 D. 1-7.*"

Amendments were accepted and a Roll Call vote was taken:

Mike Cottle- Aye
Terry Turner- Aye
Laura Charchenko- Aye
Alan Malan- Aye
Denis Hopkinson- Aye

III. Discuss Title 17- Yard regulations including setbacks, decks, area restrictions and yard obstructions; area and frontage regulations; height regulations; and fence regulations in residential zones to determine if changes may be necessary.

Commissioner's packets included a memorandum dated October 4, 2013 from Ben White/Cathy Brightwell regarding Yard Regulations, Setbacks and other Title 17 regulations and restrictions for residential properties, a copy of Title 17, and revisions to the proposed deck setback language made by legal after Planning Commission's final version.

The memorandum covered the following:

- A straw poll showed that City Council prefers the Conditional Use option, and they are requesting Planning Commission to review the language and submit a final recommendation.
- Council also directed the Commission to review Title 17 all regulations and restrictions in the residential zones as a result of 2 variance requests that came before them at their most recent City Council meeting.
- Staff prepared a document which they feel best reflects the areas in Title 17, residential zones, that the Council would like reviewed for possible changes, especially setback regulations and area regulations, e.g., 25% rear yard restrictions.

Chairman Hopkinson informed the Commission about the discussion at the last City Council meeting. He stated that wording was changed in the draft that was sent to the Council from the Commission to include suggestions from legal counsel. He expressed that he did not appreciate that the language being pushed to Council was not the language that the Commission intended to send to them. He reported that a straw poll vote was taken among the Council and all Council members wanted to use the conditional use version. They requested that the Planning Commission review the language and make a final recommendation to include the conditional use option and then send back to them for approval.

Two other requests were made by the Council to be reviewed and prepared by Planning Commission regarding setback issues. Chairman Hopkinson explained the two situations that council reviewed last Tuesday night. Commission reviewed the material included in the packets regarding the Council's request for review. Ms. Brightwell explained that areas on the ordinance document before them that are darkened are sections that do not need to be changed. All other areas could be reviewed and changed if the Commission chooses.

Mr. Hopkinson briefly reviewed Chapter 17.60 and discussed the Permitted and Conditional Use sections in each zone. Ben White noted that Conditional Use permits are handled by the Commission and Permitted Use requests are granted by staff.

Chairman Hopkinson reviewed setback regulations in the code and read "H" explaining that the provision prohibits more than 25% of the rear property to have accessory buildings. He asked Commissioners to think about whether current setback regulations may be sufficient and the percentage restriction may not be necessary. He cited some comparisons as examples to the situations that can and do occur. He asked the commission to review the document and decide if they love the current language or do they feel there is room to accept some changes to the code. He noted that another Public Hearing will be necessary in order to make further changes.

- Ben White noted that in his employment of 4 ½ years there have only been two situations affected by the 25% rule. However, if changes are made to the setback requirements in the residential zones, every lot will be affected.
- Mr. Hopkinson noted that the question at hand is, why is the setback set at 30 feet? Alan Malan noted that historically it was set because that is the height of telephone poles and homes would not be damaged if one were to fall.
- Terry Turner would like people to be able to do as they wish on their own property, yet he values what the community is today and the rural feel.
- Alan Malan would like the 25 % requirement in the rear yard to be removed from the language and conditions. Chairman Hopkinson agreed and noted that the setbacks are in place in the ordinance and should suffice.

Some discussion took place regarding the differences in zones and lot sizes in regards to changing the regulation.

Chairman Hopkinson expressed that any physical conditions that are detrimental to the health, safety or welfare of individuals can be put in as conditions of the Conditional Use Permit. He explained that some people will not be happy that a Conditional Use Permit can be obtained to change the protection of the current code.

Alan Malan commented about the changes that legal review made to the recommendation the Commission had suggested on the last ordinance sent to City Council for approval. He wanted the Commission to watch closely in the future that language does not sneak in that changes the context of what they intended.

ACTION ITEM:

Chairman Hopkinson charged the Commissioners to review the entire language that has been given them tonight and to think about the discussion that has taken place tonight. He asked them bring suggestions back to the next meeting. He noted that it is more necessary to consider the R-1-10 zone than the A-1 and R-1-22. Cathy noted that most of the zoning language they have been provided is similar and as they become familiar with one it will not be such a daunting task to consider the rest.

Chairman Hopkinson suggested two options the Commission can take:

Option #1- Make changes to the document at hand, or;

Option #2- Create your own statement/paragraph of what you would have considered to be changes in regards to setbacks.

Cathy and Ben would like 17.16.050 Yard Regulations - "F" and "J" in each section to be reviewed. They would like the Commissioners to make suggestions on how the language can be changed to be clarified and more clearly understood.

IV. Staff Report

- Ben White noted that an Application will come before them at the next meeting regarding a carport and ADU.
- Curb and Gutter on Pages Lane in front of the Park was put in too high and correction will be made by tearing out the asphalt and making it meet with the curb. Drainage issues have been reviewed and approved. The repairs will be done this Saturday with one lane closed.

V. Approval of Minutes of September 24, 2013 meeting minutes.

ACTION TAKEN:


Alan Malan moved to approve of the minutes dated September 24, 2013 as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

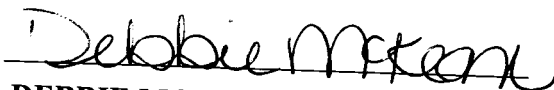
VI. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Terry Turner seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:07 p.m.


DENIS HOPKINSON-CHAIRMAN


HEIDI VORDECKERS/CITY RECORDER


DEBBIE MCKEAN /SECRETARY

