

2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on
5 October 17, 2013 per state statutory requirement.

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

8
9 **Those in Attendance:**

10
11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry
12 Turner, Alan Malan, Mike Cottle, and Laura Charchenko.

13
14 **MEMBERS/STAFF EXCUSED:**

15
16 **STAFF PRESENT:** Ben White (City Engineer), Cathy
17 Brightwell (Deputy Recorder) and Debbie McKean (Secretary).

18
19 **VISITORS:** Garret Reid, Dennis Higley, Brett Argyle, Kevin
20 Shorg, Steve Fackrell, Stuart Talley, and James Bruhn.

21
22 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.
23 Mike Cottle offered a prayer.

24 **I. Accept Agenda**

25 Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda moving
26 item # 3 to 6a. Alan Malan seconded the motion. Voting was unanimous in favor among
27 members.

28 **Business Discussed:**

29 **II. Consider Conditional Use Application for Reid’s Meadow for horse boarding, riding**
30 **and special events at 845 W Pages Lane**

31 Commissioner packets included a memorandum from Cathy Brightwell/Ben White dated
32 October 17, 2013 regarding an application for Conditional Use Permit for Reid’s Meadow, a
33 copy of the Conditional Use Permit application and Home Occupation Business License

34 application, a site plan, and a copy of the notice informing neighbors of the application for
35 permits to host a facility that would be used for fundraising/charitable events, training horses,
36 leisure riding, horse boarding and overnight horse boarding.

37 The memorandum included but was not limited to the following information:

- 38 • Said property was purchased from Dee Weese and includes a house, outdoor arena, hay
39 barn, stable barn, tack barn and large shop. Property is located west of the Prospector
40 Rail Trail and consists of 2.59 acres.
- 41 • Currently the Reid's do not own horses but have a letter from Dee Weese stating that for
42 25 years, a minimum of 20 horses have been maintained on the property. Staff explained
43 to Mr. Reid that as long as he continues the use with the same number of animals within a
44 year of purchasing the property, the current city farm animal ordinance will not apply and
45 grandfathering status does apply.
- 46 • The memorandum suggests items G. and I. in Section 5.28.040 of the Home Occupations
47 of West Bountiful Municipal Code need to be discussed and decided whether or not they
48 meet the requirements.

49 Cathy Brightwell introduced the applicant Garrett Reid's application as presented in the packet.
50 Chairman Hopkinson asked Mr. Reid to take the stand. Mr. Hopkinson reviewed the information
51 regarding the application. He asked each Commissioner to ask questions or state concerns.

- 52 • Mr. Cottle noted how much better the property looks since the Reid's took ownership.
53 He asked Mr. Reid to explain how he would like to use the property. Mr. Reid included
54 some ideas like helping troubled youth, horse backing riding for the disabled, and other
55 activities that would benefit the community. In addition to charitable work he would also
56 like to run a boarding area for horses on a regular basis. He just would like to do good
57 things on the property and keep it clean and presentable. Mr. Reid noted how excited his
58 neighbors are about his ideas. He noted that he is not doing anything that Dee Weese had
59 not done prior on that property, he just would like to legalize the activities. Mike Cottle
60 also inquired about insurance. Mr. Reid responded that he would enlarge his home
61 owner's policy and post waivers but understands the concerns.
- 62 • Terry Turner inquired how many horses he expects to have on the property. Mr. Reid
63 responded that currently there are two but he could have between fifteen and twenty
64 horses. Mr. Turner wondered about the parking for events. He feels it is a really worthy
65 asset to the community. Mr. Reid noted that he currently has two parking areas he is
66 working on improving and noted some other possibilities for parking. He did not see it to
67 be an issue. Mr. Turner asked if there were any concerns about additional security. Mr.
68 Reid will be putting additional fencing and locking gates and doors.
- 69 • Laura Charchenko asked what his expertise was and what inspired a city boy to want to
70 acquire so many horses. He stated that his wife has expertise in that area and he had the
71 opportunity to work with horses last summer. She thought things looked in order for
72 having the permit approved.
- 73 • Alan Malan asked what zone the property was in but had no questions. Cathy Brightwell
74 noted that the property is in the R1-22 zone.

75 **ACTION TAKEN:**

76 **Alan Malan moved to approved the Conditional Use Permit and Home Occupation**
77 **Permit for Garrett Reid, 845 West Pages Lane with the following conditions. 1) no**
78 **on street parking; 2) the restriction that only residents of the dwelling will be**
79 **allowed to work on the property (5.28.040.A) does not apply as the use is**
80 **grandfathered; 3) applicant will ensure that animals will not cause damage to**
81 **neighboring properties; 4) applicant will control animal waste, debris, noise, odor**
82 **and drainage in accordance with usual and customary health standards to protect**
83 **the health, safety, and welfare of the animals and public; 5) no signs or**
84 **advertisements will be visible from public streets or from the exterior boundaries of**
85 **the property; 6) no outdoor storage will be allowed; 7) this permit will not be**
86 **assignable or transferable, or authorize any person other than the licensee named to**
87 **do the business specified in the license. Mike Cottle seconded the motion. Laura**
88 **Charchenko offered a friendly amendment adding the applicable standards from**
89 **Chapter 17.60.040.D including, 1) the proposed use at the particular location is**
90 **necessary or desirable to provide a service or facility that will contribute to the**
91 **general well-being of the neighborhood and the community, 2) the proposed use,**
92 **under the circumstances of the particular case, will not be detrimental to the health,**
93 **safety, or general welfare of persons residing or working in the vicinity, or injurious**
94 **to property or improvements in the vicinity 3) the proposed use and/or**
95 **accompanying improvements will not inordinately impact schools, utilities, and**
96 **streets, 5) the proposed use will comply with the regulations and conditions specified**
97 **in the land use ordinance for such use; and 6) the proposed use will conform to the**
98 **intent of the city's general plan. Mike Cottle seconded the motion and voting was**
99 **unanimous in favor.**

100
101 **III. Consider Conditional Use Application for Gas Motorsports for auto sales and repair**
102 **at 1112 West 500 South – CH Zone(This item was moved to 6a.)**

103 Commissioner's packets included a memorandum dated October 17, 2013 from Cathy Brightwell
104 regarding Gas Motorsports, the Conditional Use Permit Application, and site plan. The
105 memorandum from Staff included the following points:

- 106 • A list of conditional use findings to consider for motor vehicle sales and service as
107 contained in Section 17.60.040.
- 108 • A list of conditions as recommended from Staff.

109 Cathy Brightwell introduced the application and pointed out the additional information needed to
110 approve this permit.

111 Kevin Shorg/Gas Motorsports took the stand and introduced his business. Mr. Hopkinson asked
112 the Commission for their questions and concerns.

- 113 • Alan Malan asked how many automobiles would be on the property. Mr. Shorg
114 answered 20 to 30 on the property with a possibility of 50 spaces available. Mr. Malan
115 asked how many customers would be there at any given time. Kevin Shorg responded
116 there should be no more than three cars at a time. Alan Malan inquired about customer
117 parking and Mr. Hopkinson noted that if they set aside the west side for customer parking

118 there would be enough for an ADA spot and some customer parking. Mr. Malan asked if
119 they would be doing repair work. Mr. Shorg responded that only small repairs and no
120 major body work. They use other local businesses for that work.

- 121 • No other questions were asked.

122 123 **ACTION TAKEN:**

124 **Laura Charchenko moved to approve the Conditional Use Permit for Gas Motorsports at**
125 **1112 West 500 South with the positive findings in Section 17.60.040 being 1) the proposed**
126 **use, under the circumstances of the particular case, will not be detrimental to the health,**
127 **safety, or general welfare of persons residing or working in the vicinity, or injurious to**
128 **property or improvements in the vicinity; 2) the proposed use and/or accompanying**
129 **improvements will not inordinately impact schools, utilities, and streets; 4) the proposed**
130 **use will provide for appropriate buffering of uses and buildings, proper parking and traffic**
131 **circulation, the use of building materials and landscaping which are in harmony with the**
132 **area, and compatibility with adjoining uses; 5) the proposed use will comply with the**
133 **regulations and conditions specified in the land use ordinance for such use; and 6) the**
134 **proposed use will conform to the intent of the city's general plan. The following conditions**
135 **will be required: a copy of state dealer's license, proof of insurance, fire inspection**
136 **approval, obtain a building permit for signs, retail vehicle inventory will be limited to the**
137 **number of parking spaces allotted to business making sure to leave adequate customer and**
138 **employee parking with ADA parking on the west side of the property, no outdoor storage**
139 **will be allowed, and upon issuance of this permit Gas Motorsports will immediately**
140 **purchase a West Bountiful City business license. Mike Cottle seconded the motion and**
141 **voting was unanimous in favor.**

142 143 **IV. Consider Conditional Use Application for an Accessory Dwelling Unit for Brett** 144 **Argyle at 1307 West 400 North**

145 Commissioner's packets included a memorandum dated October 17, 2013 from Ben White
146 regarding an Application for Conditional Use Permit for an Accessory Dwelling Unit (ADU), a
147 copy of the Conditional Use Permit application, drawings and photos of the site plan and a copy
148 of Chapter 17.82 - ADU.

149 The memorandum explained that Mr. Argyle recently purchased an acre of property that
150 included a home, a detached garage, and an accessory building toward the rear of the property.
151 Mr. Argyle would like to connect the detached garage to the house via a carport (which already
152 partially exists) and convert the detached garage into living space making the converted garage
153 its own self contained apartment in order for family members to live there. The memorandum
154 listed development standards specific to Section 17.82.050 and stated staff recommendations if
155 the permit was granted.

156 Chairman Hopkinson invited Mr. Argyle to the stand to summarize his application for a
157 Conditional Use Permit for an Accessory Dwelling Unit at property located at 1307 West 400
158 North wherein he would like to convert a detached garage into living space which will become
159 its own self contained apartment.

160 Mr. Argyle noted the common utilities that it shares with the home. Previously it was used as an
161 apartment like living space. He desires to add a carport to the front of the dwelling to meet the
162 requirements of being attached to the main home. The exterior of the dwelling does not stand
163 out from the other home but looks like an extension of the home with the same design and brick.

- 164 • Alan Malan inquired about parking. Mr. Argyle noted there is a full acre with sufficient
165 parking.
- 166 • Laura Charchenko likes the plan and desires it looks like an extension of the home.
- 167 • Terry Turner and Mike Cottle had no questions.

168
169 **ACTION TAKEN:**

170 **Terry Turner moved to approve the application for a Conditional Use Permit for an**
171 **Accessory Dwelling Unit (ADU) for Brett Argyle at 1307 West 400 North as permitted in**
172 **17.82.050, with the following conditions 1) applicant will obtain a building permit and pass**
173 **all necessary building code inspections, 2) applicant will ensure that tenants have adequate**
174 **onsite parking, 3) the permit is not transferable, if at any time the home is not occupied by**
175 **the applicant or his immediate family or the applicant sells the property, the permit shall**
176 **be revoked pursuant to 17.60.080, and 4) the applicant will include, in any lease document**
177 **used in connection with this property, language that the lease will terminate upon sale of**
178 **the property. Laura Charchenko seconded the motion and some discussion took place**
179 **regarding Alan Malan's concern with condition #3 and #4. He suggested deleting both**
180 **conditions. After discussion, Alan Malan made the friendly amendment to include**
181 **condition #3 but delete condition #4 Laura Charchenko seconded the motion and voting**
182 **was unanimous in favor.**

183
184 **V. Discuss and set public hearing for Alice Acres Subdivision at 1100 West and 400**
185 **North, proposed by Destiny Homes**

186 Commissioner's packets included a memorandum dated October 16, 2013 from Ben
187 White/Cathy Brightwell in regards to Alice Acres at approximately 950 West 400 North, a
188 subdivision application from Alice Johnson, and a site plan for the proposed subdivision.

189 The memorandum included the following information:

- 190 • Destiny Homes is proposing to construct a 7 lot subdivision on the 4 acre parcel in the
191 R1-22 zone requiring lots to be a minimum of 21,780 sq. ft.(1/2 acre). The required lot
192 frontage is 85 feet.
- 193 • Property qualifies for streamlined process and staff recommended that approach.
- 194 • There is no dedication of right-of-way and there are limited options for lot configurations.
- 195 • Pending a field survey an eighth lot may be possible.
- 196 • Should curb and gutter be installed along 1100 West?
- 197 • What should be done with 400 North and utility services for the proposed lot concerning
198 the five year restriction on cutting into a new street?

199 • The code requirement that lots not be more than three times as deep as they are wide
200 could be a factor in this development.

201 • Staff recommendation to set a public hearing.

202 Ben White suggested a public hearing be set for three (3) weeks from this evening on November
203 12. Mr. White informed the Commission that a new site plan has been proposed having 8 lots
204 instead of 7. This subdivision would be cutting into newly paved roadways and is subject to
205 additional fees as applies. Mr. White noted the streamlined process would be applicable here.

206 Mr. Steve Fackrell (project engineer) took the stand representing the developer. He noted that
207 they are still surveying the property and does not know if there is a conflict with the new
208 proposal for eight lots.

209 Mr. Hopkinson pointed out that fences can establish the property lines and there may be some
210 negotiating that needs to take place in regards to property boundaries.

211 Final plat can include all the requirements of the preliminary plat filing to expedite the process.
212 Mr. Hopkinson informed the commission that they need to decide what conditions they will
213 propose for the cutting of the road. Mr. Fackrell has met with the sewer district and received
214 permission to place the sewer line along the north side of the sidewalk. Mr. White suggested
215 bore pits for the water lines and a special condition called heatwurx where no asphalt seam
216 would be visible once the patch was completed.

217 Mr. Hopkinson noted that they need to pay close attention to the drainage of the property into the
218 ditch area.

219

220 **ACTION TAKEN:**

221 **Laura Charchenko moved to set a public hearing for Alice Acres Subdivison on**
222 **November 12, 2013 at 7:35 p.m. or as soon thereafter as time permits. Mike Cottle**
223 **seconded the motion and voting was unanimous in favor.**

224

225 **VI. Discuss and consider setting public hearing for Olsen Farms 7 – Subdivision**

226 Commissioner's packets included a memorandum dated October 16, 2013 from Ben
227 White/Cathy Brightwell regarding Olsen Farm Estates Phase 7, an application for subdivision
228 signed by Halvor Olsen, and a site plan.

229 Memorandum contained the following information:

230 • Olsen Farm Estates Phase 7 came before the city in 2007 and made its way to Final Plat
231 before the real estate market collapsed.

232 • Issues in 2007 remain the same including power lines, flood elevations, fuel lines,
233 irrigation water, curb, drainage, wetlands and lot widths 3 times as deep as they are wide.

234 • The biggest issue is what to do with the large land parcel behind the proposed lots, west
235 of the proposed lots and east of the Legacy Highway.

236 • Staff suggested a Public Hearing being scheduled on this matter on November 12, 2013
237 at 7:40 p.m. or as soon thereafter as time permits.

239 Ben White introduced the Olsen Farms Phase 7 development. He noted that it has been before
 240 the city previously before the downturn in the economy in 2008. Lots will be 360 feet deep in
 241 order to meet the 3 in 1 rule. Some questions that need to be addressed are: what to do with
 242 large land parcel west of the proposed lots and east of the Legacy Highway, and what will be
 243 done with the left over property that is undevelopable?

244 Mr. Hopkinson pointed out that the property runs at a diagonal, parallels the power corridor, has
 245 a pump house on the south end, and fuel lines run through the property. Chairman Hopkinson
 246 noted there are some liability issues. The biggest issue Mr. Hopkinson sees is the drainage that
 247 runs through the property when heavy rains come. He noted that some mitigation will need to
 248 take place regarding these issues and concerns. Chairman Hopkinson noted that flood insurance
 249 should be highly recommended for property owners. He feels with some efforts the property can
 250 be a great asset to that area in our city.

251 Chairman Hopkinson invited Robert Holmes to the stand.

252 • Mr. Holmes thinks the gas lines run along homes that are already existing and been
 253 approved and would have more impact on the houses to the east than on the Olsen 7
 254 property. Mr. Holmes also pointed out that many homes in the valley are built under
 255 power lines and he does not feel there is an emissions issue that can be defended. He
 256 believes the power lines are set back far enough and do not cause a safety issue. He
 257 presented a new proposal adjusting the properties to create 8 lots.

258 • As to the issue of Barton Creek and potential flood issues, James Bruhn pointed out there
 259 is the ability for the city to shut off water flow from a point to the east of the interstate.
 260 Mr. Hopkinson noted an example previously where things were unfavorable in that
 261 event. Robert Holmes suggested the extra property be used for pasturing horses and
 262 cattle, and possibly sell it to the property owners at a later date. Weber water to the
 263 entire property would be cost prohibitive. Mr. Holmes informed them that Mr. Olsen has
 264 water rights to Barton Creek and can use that water to irrigate the extra property.

265 • Chairman Hopkinson noted that previously Lot 7 was a big concern because of the pump
 266 house and the smell that it radiates. He noted also the concerns for possible pollution
 267 coming from Lot 7. He feels it needs to be addressed further. Mr. Hopkinson stated that
 268 he feels there is some really good options down there and feels the process can keep
 269 moving forward and hold a public hearing.

270 • Alan Malan inquired about an easement and possible land lock situation. It was pointed
 271 out that some of the open space is owned by Rocky Mountain Power. The remaining
 272 open space needs to be designated as a parcel not a lot. Laura Charchenko would like a
 273 definite answer as to where the gas lines are located before the public hearing. Ben
 274 White was tasked with contacting the county for more information on the property.

275

276 **ACTION TAKEN:**

277 **Alan Malan moved to set a public hearing on November 12, 2013 at 7:40 p.m. or as soon**
 278 **thereafter as time permits for Olsen Farms Estate Phase 7. Terry Turner seconded the**
 279 **motion and voting was unanimous in favor.**

280

281 **VII. Discuss Title 17 – yard regulations including setbacks, decks, area restrictions and**
282 **obstructions; area and frontage regulations; height regulations; and fence regulations in**
283 **residential zones to determine if changes need to be made.**

284 Included in the Commission packet was a copy of the three residential zones in Title 17 for
285 discussion.

286 Chairman Hopkinson would like to deal with this matter by holding a work session with City
287 Council in order to move forward with proposals for possible changes to this ordinance. Mr.
288 Hopkinson noted that this ordinance has a lot of room for improvement.

289 Mr. White asked the opinion of present Commissioner's and Council regarding the three to one
290 rule. A short discussion took place regarding individual feelings of this inquiry. Mr. Hopkinson
291 commented that it is a non-issue if a conditional use is put into place and therefore a work
292 session would be beneficial to see what direction everyone would like to go.

293

294 **ACTION ITEM:**

295 **Chairman Hopkinson directed Staff to set a work session for November 12, 2013 at 6:00**
296 **p.m. with City Council to discuss desired changes to Title 17.**

297

298 **VIII. Staff Report**

- 299 • Pages Lane is closed until Thursday of this week
- 300 • Tom Lund came to staff asking about dividing his property located at approximately
301 1100 W and Porter Lane. He has 2.1 acres in a one acre zone and would create two flag
302 lots, one being a long flag lot and exceeds the requirements for a flag lot. He is just
303 inquiring if it would be possible if he could afford to do it.
- 304 • There will be only one meeting in December due to Christmas Eve.

305

306 **IX. Approval of Minutes from October 8, 2013.**

307

308 **ACTION TAKEN:**

309 **Mike Cottle moved to approve of the minutes dated October 8, 2013 as corrected. Terry**
310 **Turner seconded the motion. Motion failed five to none.**

311 **Mike Cottle moved to table the minutes dated October 8, 2013 until corrections can be**
312 **reviewed. Laura Charchenko seconded the motion and voting was unanimous in favor.**

313

314 **X. Adjournment**

315

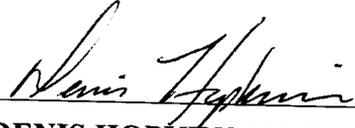
316 **ACTION TAKEN:**

317 Mike Cottle moved to adjourn the regular session of the Planning Commission meeting.
318 Alan Malan seconded the motion. Voting was unanimous in favor. The meeting adjourned
319 at 9:58 p.m.

320

321

322



DENIS HOPKINSON-CHAIRMAN

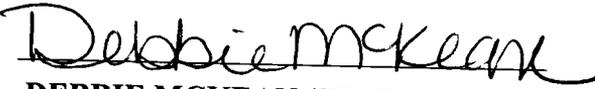


HEIDI VOORDECKERS/CITY RECORDER

324

325

326



DEBBIE MCKEAN /SECRETARY

327

328

329

330

