

**West Bountiful City  
Planning Commission**

**March 10, 2015**

**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 March 6, 2015 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 10, 2015, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Vice Chairman Terry Turner, Alan Malan, Laura Charchenko, and Corey Sweat (Alternate).  
Councilmember Kelly Enquist.

**MEMBERS EXCUSED:** Chairman Denis Hopkinson, Mike Cottle.

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

**VISITORS:** Leland Martineau, Wendell Wild, Mary Wild, Mayor Ken Romney, James Bruhn and Steven Merkley.

The Planning Commission Meeting was called to order at 7:30 p.m. by Vice Chairman Turner. Corey Sweat gave a prayer.

**I. Accept Agenda.**

Vice Chairman Turner reviewed the agenda. Laura Charchenko moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

**Business Discussed:**

**II. Public Hearing to Receive Comments Regarding Proposed Language Changes in Title 17 to Address Modification to Nonconforming Structures.**

**ACTION TAKEN:**

**Corey Sweat moved to open the public hearing at 7:35 pm to receive public input on proposed language changes to Title 17 addressing modification to nonconforming structures. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.**

**Public Comment:**

- Council member James Bruhn took the stand and addressed the Commission commenting that he has reviewed the proposed language change and does not feel that there should be a restriction in the setback for existing nonconforming dwellings.
- No other public comment was made.

**Laura Charchenko moved to close the public hearing at 7:38 pm. regarding public input on proposed language changes to Title 17 addressing modification to nonconforming structures. Corey Sweat seconded the motion and voting was unanimous in favor among those members present.**

**III. Consider Conditional Use application for Farm Animals for Steven Merkley at 655 Jessi's Meadow Drive.**

Commissioner's packet included the farm animal conditional use permit application with a site plan and a memorandum from Cathy Brightwell dated March 6, 2015 regarding the Conditional Use Application for Farm Animals received on February 25, 2015 from Steven Merkley, 655 Jessi's Meadow Drive. The memorandum stated the following:

- Request from Mr. Merkley is to have 3 horses on their property.
- Municipal Code allows a resident to apply for a conditional use permit to increase the number of large and /or small animals allowed on their property.
- Applicant would qualify for 3 horses if granted this conditional use permit. Total points on .8 acres would be 80 points. Three horses at 25 points each, with the approval of the application, would total 75 points.
- Staff believes the application meets the required affirmative findings required in Conditional Use Ordinance 17.60.030.
- Neighbors were notified of the application on March 6, 2015.

Cathy Brightwell addressed the Commission in regards to the application. She noted that Mr. Merkley was present to answer questions. Staff recommends approval of this permit. There were no neighbor responses.

Mr. Merkley took the stand to answer questions from the Commission.

Alan Malan asked how many horses are currently on the property. Mr. Merkley answered 2 horses presently and he would like an additional horse.

Laura Charchenko has no problems approving this permit and asked about his plans to build the barn shown on his site plan. Mr. Merkley asked about the height requirements of a barn.

Corey Sweat had no questions/comments.

**ACTION TAKEN:**

**Corey Sweat moved to approve the Conditional Use Application for Farm Animals for Steven Merkley, 655 Jessi's Meadow Drive, with a reduction of points for large animals, specifically 3 horses totaling 75 points, with the applicable standards and affirmative findings listed in 17.60.030. The following conditions will apply: Applicant will ensure that animals will not cause damage to neighboring properties; applicant will abide by all setback requirements in Chapter 17.16.080 of the City Municipal Code; 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 public; and this conditional use permit will expire upon the sale of the said property. Alan Malan seconded the motion and a roll call vote was taken.**

**Corey Sweat – Aye**

**Laura Charchenko- Aye**

**Alan Malan- Aye**

**Terry Turner - Aye**

**IV. Consider Conditional Use application for a barn at 672 North 660 West that exceeds 20 feet in height.**

Commissioner's received a memorandum dated March 6, 2015 from Ben White regarding a conditional use permit application from Richard and Janet Lee, 672 North 660 West, for an accessory building along with site plans for their request. Said property is in the R-1-10 zone.

The memorandum from Ben White included the following information:

- Desire for Robert and Janet Lee to construct a barn in the rear portion of their property located at 672 North 660 West. Property is on the east side of the road with the rear property line abutting the Union Pacific Railroad.
- Information in paragraph 17.24.060 of the city code concerning conditional use for an accessory building.
- Staff's reminder to include in motion why certain conditions have been imposed or not.

Mr. and Mrs. Lee desire to build a two story barn with a height of approximately 23 feet on their property which is approximately .57 acres. The barn includes a second story loft. They need to qualify for an Accessory Building Conditional Use Permit if they want to build more than one story or more than 20 feet tall in the R1-10 zone.

Ben White introduced the application stating that the property is larger in size than most in the zone, is very deep so the structure will not be seen by neighboring properties, and backs up to the train tracks and freeway. Staff recommends approval of this conditional use with the findings and reasons listed in the memorandum.

Other than clarifying a question on staff's site plan, Commissioner's had no questions/comments.

**ACTION TAKEN:**

**Laura Charchenko moved to approve the Conditional Use application from Robert and Janet Lee, 672 North 660 West, for a two story/23 foot tall accessory building that exceeds the standard regulations of 20 feet due to the property size and the proximity of the railroad tracks, with the following affirmative findings: the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity, will not inordinately impact schools, utilities, and streets in the area, will provide for appropriate buffering of uses and buildings, and the use of building materials which are in harmony with the area and compatible with adjoining uses, and will comply with the regulations specified in the R-1-10 zoning ordinance and with the following conditions. Alan Malan seconded the motion and a roll call vote was taken.**

**Alan Malan- Aye**

**Corey Sweat- Aye**

**Laura Charcheko- Aye**

**Terry Turner- Aye**

**V. Consider Conditional Use application for Flag Lots in Stringham Subdivision.**

Commissioner's packet included an application for Conditional Use Permit from Wendell and Mary Wild with an attached site plan, a memorandum from Ben White/Cathy Brightwell dated March 5, 2015 regarding Stringham Farms Conditional Use Permit- Flag Lots, material for review of flag lots, and information from Todd Smith/South Davis Metro Fire Agency.

Memorandum included the following information:

- Flag lots are a conditional use in the R-1-10 zone.
- A list of common complaints about flag lots.
- Previously used guidelines to evaluate flag lots.
- Possible conditions to mitigate negative impacts of flag lots.

Ben White noted the uniqueness of this request as two flag lots are requested to be located together. He referred to the information in the packets and asked them to consider possible mitigation efforts that may be appropriate in reducing negative issues of the flag lots. The ninth lot in the subdivision is the existing Wild home. Flag lots have staffs that are adjacent to each other and are located on a street corner.

Vice Chairman Turner asked Todd Smith to take the stand as the fire inspector for South Davis Metro Fire. Mr. Smith said he met earlier with the engineer and owner of the property to learn the specifics of their proposal and to discuss safety concerns.

Mr. Smith talked about general issues the fire department has related to providing service to flag lots, and referred to the fire codes that must be met and explained how they are used in conjunction with the building code. Some issues he raised include the need for access roads and driveways to be able to handle 7500 lb vehicles; the need for a turnaround when driveways exceed 150 ft. in length; a minimum 20 ft. driveway width with no parking, and 26 ft. width if

parking is allowed or there is a hydrant. There were questions about how the width may be affected if the sides of the driveway are fenced and how much room is needed to deploy hoses. Mr. Smith responded that walls could hinder the operation if they restrict access around the truck but a width of 20 feet provides room for snow, gravel, garbage cans, , etc. that may get in the way. He explained that the length of the hose off of the truck is 200 feet long. Most of their hoses come from the sides of the truck and they measure from there to the furthestmost point on the building. He added that some determinations cannot be made until the development of the home(s) on the property. He answered questions and described what it takes to be able to get services to the properties in different situations.

### **Commissioner's Questions/Comments: Flag Lots**

Alan Malan asked Mr. White about the drainage issues. Mr. White explained that some storm water would drain toward the street; some water would drain to the rear yard on and around the flag lots. The flag lots must have a catch basin to prevent drainage problems. There could be another drainage box put at the north end of the streets in the future, but its location will be defined by the home design.

Mr. Malan asked if curb and gutter would help on the flag lots with the drainage situation. Mr. White felt the best value for the curb may be on the north side where the drive ends, but it depends on the home design. Curb going along the driveway would probably not help much.

Terry Turner asked what impact flag lots would have on people around them that have no say in this matter. Mr. White stated that the impacts would probably come later as the property is developed and residents settle in. He explained that we try to mitigate all the things that we think may happen but it is impossible to know what issues may arise and mitigate everything in the development stages. He added that the negative impacts created by the flag lots will change with the change of property owners.

Ms. Charchenko asked about impacts to the driveway from heavy trucks and maintenance vehicles. Mr. White responded that the driveway must be designed to carry the loads created by the heavy vehicles. The maximum length of a driveway without a turnaround, as noted by the fire marshal, is measured from where the fire truck will stop, not from the farthest point on the driveway, but consideration should also be given to construction vehicles and storm drain vacuum vehicles.

Mr. White explained that the fence along the sides of the driveway is intended to block noise, light, collect drainage, provide privacy, etc. He also recommended prescribing the orientation of the homes on the plat so that backyards line up with the properties behind them where possible. The home on lot 3 would likely face south but all the others would face east or west.

Leland Martineau took the stand representing the property as the engineer. He stated that he has never seen a 26 foot wide drive required before and asked the Commission to consider a 20 foot driveway. Mr. White explained that to meet fire code there can be no parking with a 20 ft. driveway. Due to the limited amount of space available for parking for lots 4, 5 and 6, it is expected that cars will park along the driveway even if no parking signs are posted. He also discussed the need for flag lot owners to have a shared access agreement for the driveway.

Laura Charchenko explained that they need to consider conditions that may become a problem several generations to come. People will park along the driveway whether there is an agreement prohibiting it or not.

Alan Malan feels that each lot should have its own drive with a fence down the middle as well as fences separating the flag lot driveways from the houses on each side. He pointed out that this area is called a driveway but it is road and it is a safety issue. He felt that if the fence is not there we are possibly setting up a feud situation and that the fences between the drive and the neighboring properties are for safety. There was discussion about his proposal including how it would make parking more difficult. Lot #6 has no parking because of the narrow frontage, location of the driveway and a fire hydrant across the street. At a minimum, Mr. Malan feels the driveway fence needs to be a requirement along lots 3 and 6. Laura Charchenko and Corey Sweat were opposed to the fence down the middle of the drive. They do not feel it is a reasonable request.

After reviewing the guidelines provided by staff, Laura Charchenko did not feel that some of them applied, and discussion took place regarding which ones they should use. Mr. Sweat felt that most of the guidelines suggested by staff should be required in the conditions.

Laura Charchenko asked that items d, h, l, q, and r in the list of previously used guidelines to evaluate flag lots be considered.

Steve Doxey encouraged them to consider their conditions carefully in order to reduce negative impacts and detrimental effects of the development, and noted that it is important to clearly spell out reasonable conditions and document them in the motion because these decisions will run with the land.

#### **ACTION TAKEN:**

**Alan Malan moved to table this item and schedule a work session to further discuss the issues. Laura Charchenko seconded the motion and voting was taken by a roll call vote:**

**Alan Malan- Aye**

**Laura Charchenko- Aye**

**Terry Turner- Aye**

**Corey Sweat- Nay**

#### **VI. Consider Final Plat Approval for Stringham Subdivision.**

Included in Commissioner's packet were two memorandums dated March 5, 2015 from Ben White regarding Stringham Farm Subdivision Final Plat and Stringham Farm Subdivision Construction Drawing Review. The final plat memorandum included the following information:

- Items for informational purposes.
- Item for consideration.
- 16.13.050 Blocks.

The drawing review memorandum included a list of comments generated from a review of the February 27<sup>th</sup> construction drawing package including comments regarding plat, sheet C-02, Sheet C-04, Sheet C-05 and Sheet C-06.

Ben White noted that the actual subdivision discussion is easier than the flag lot discussion. He stated that all lots meet the basic criteria for the subdivision. He has been in contact with all utilities and all is well with each of those except for Weber Basin. They have not yet notified him that they have approved the design.

Mr. White noted that the only significant item that needs to be addressed is the mid block access in this development. Per our ordinance (Section 16.12.050), a mid block access could be required. The LDS church has been contacted and we have yet to hear their decision. He noted pros and cons that could exist.

Mr. Wild's engineer stated that due to the size and location of the lots they do not have a lot of room to give to make the mid block access work. Mr. White noted that with an easement it would be possible to accommodate the mid block requirement without reducing the sizes of the lots.

**ACTION TAKEN:**

**Alan Malan moved to table item six. Corey Sweat seconded the motion and voting was unanimous in favor.**

**VII. Consider Proposed Language Changes in Title 17 to Address Modifications to Nonconforming structures.**

Cathy Brightwell noted that this item has been before them several times. A variance request to City Council initially brought this to our attention with much discussion. A Public Hearing was held tonight and language has been proposed for consideration.

Alan Malan appreciated Council member Bruhn's comments that would change item 3. He feels that language should be added to clarify that the new nonconforming portion of the structure cannot encroach into a different setback not being considered. Mr. White pointed out the second line in section three was staff's attempt to clarify that issue. It was suggested that legal counsel make the suggested language changes discussed this evening and send to City Council for their review and approval.

**ACTION TAKEN:**

**Corey Sweat moved to approve the addition of paragraph 17.56.030 C. with the change that an additional line be added to clarify that an addition or enlargement to the non conforming building cannot encroach in a different setback not being considered. Laura Charchenko seconded the motion and a roll call vote was taken.**

**Alan Malan- Nay**

**Laura Charchenko- Aye**

**Terry Turner- Aye**

**Corey Sweat - Aye**

**VIII. Staff Report**

- 725 West began construction this week.
- Current schedule for 400 North is mid April and could be 90 days +.
- Pages Lane reconstruction will not be possible this year due to the closure of 400 N.
- Cathy Brightwell noted that the April 14<sup>th</sup> meeting will likely be canceled for a City Council Budget meeting.

**IX. Approval of Minutes for February 10, 2015**

**ACTION TAKEN:**

**Corey Sweat moved to approve of the minutes dated February 10, 2015 as presented. Alan Malan seconded the motion and voting was unanimous in favor among those members present.**

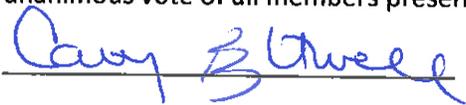
**X. Adjournment**

**ACTION TAKEN:**

**Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:20 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.**

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The foregoing was approved by the West Bountiful City Planning Commission on February 10, 2015, by unanimous vote of all members present.



Cathy Brightwell - City Recorder

