

**Mayor**  
Kenneth Romney

# **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Debbie McKean  
Mark Preece

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355  
www.WBCity.org

**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## **PLANNING COMMISSION MEETING**

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS  
REGULARLY SCHEDULED MEETING ON TUESDAY, **MARCH 10, 2015**  
AT 7:30 PM AT THE CITY OFFICES AT 550 NORTH 800 WEST

### ***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Public Hearing to Receive Comments Regarding Proposed Language Changes in Title 17 to Address Modifications to Nonconforming Structures.
3. Consider Conditional Use application for Farm Animals for Steven Merkley at 655 Jessi's Meadow Drive.
4. Consider Conditional Use application for a barn at 672 N 660 West that exceeds 20 feet in height.
5. Consider Conditional Use Application for Flag Lots in Stringham Subdivision.
6. Consider Final Plat Approval for Stringham Subdivision.
7. Consider Proposed Language Changes in Title 17 to Address Modifications to Nonconforming Structures.
8. Staff Report.
9. Consider Approval of February 10, 2015 Meeting Minutes.
10. Adjournment

*Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.*

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City's website on **March 6, 2015**.*

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## **NOTICE OF PUBLIC HEARING**

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, March 10, 2014 at 7:30 p.m., or as soon thereafter as possible, at 550 North 800 West, West Bountiful, Utah, 84087.

The purpose of the hearing is to receive public comment regarding proposed changes to Chapter 17.56 - Nonconforming Buildings and Uses, of the WB Municipal Code, providing options for additions and enlargements.

A copy of the proposal may be viewed during regular business hours at the City Offices, or on the City website: [www.wbcity.org](http://www.wbcity.org). All interested parties are invited to participate in the hearing. Written comments may be submitted to the City Offices prior to the meeting.

Cathy Brightwell  
City Recorder

# MEMORANDUM



**TO:** Planning Commission

**DATE:** March 6, 2015

**FROM:** Cathy Brightwell

**RE:** Conditional Use Application for Farm Animals

---

An application for a Farm Animal Conditional Use Permit was received on February 25, 2015 from Steven Merkley regarding his property at 655 Jessi's Meadow Drive. The Merkley's would like to house 3 horses on their property, see attached site plan.

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 large and/or small animals allowed on their property. For a horse, this means the points can drop from 40 for each large animal to 25. With this decrease in points, the applicant could have 3 horses (75 points) on his .80 acre property (80 points).

The Conditional Use ordinance, 17.60.030 requires affirmative findings for issuance of a permit. After reviewing the application, Staff believes the application meets the applicable standards and affirmative findings and will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Neighbors were notified of the application on March 6, 2015.

Staff recommends approval of the conditional use permit 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 17.16.080 of the City's Municipal Code;
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; and
4. The conditional use permit will expire upon sale of the property.



**FARM ANIMAL  
CONDITIONAL USE  
PERMIT  
APPLICATION**

15-004

**West Bountiful City**  
550 N 800 W, West Bountiful, UT 84087  
Phone: (801) 292-4486 Fax: (801) 292-6355  
www.westbountiful.utah.gov

DATE OF APPLICATION 2/25/15

APPLICANT NAME: Steven Merkley

PROPERTY ADDRESS: 655 Jessis Meadow Dr.

PRIMARY PHONE: 801-725-4000 E-MAIL: steve-merkley@yahoo.com

PARCEL NUMBER: 06-192-0007 ZONE: A-1 SIZE OF PROPERTY (owned): .80 (leased):

CURRENT POINTS ALLOWED: 80 CURRENT POINTS USED: # OF POINTS REQUESTED: 40

Please provide the following information.

1. Attach a diagram of your property indicating dwellings, fences and enclosures, and outbuildings.
2. Describe the number and types of animals currently kept on the above property.  
none
3. For what additional animals are you requesting approval?  
one additional horse for total of 3
4. How will you house the additional animals?  
in corral
5. How will you ensure containment?  
fence
6. How will you protect adjoining fences, vegetation and personal property on or near the property line?  
electric fence

*I hereby apply for a Conditional Use Permit in accordance with the provisions of Title 17, West Bountiful Municipal Code. I understand that to protect the health, safety and welfare of the animals and the public, the City requires animal waste, debris, noise, odor, and drainage to be kept in accordance with usual and customary health standards associated with the type of animal(s). I understand that I am authorizing the City to inspect my property as needed.*

*I certify that the above information is true and correct to the best of my knowledge.*

Date: 2/25/15

Applicant Signature: Steve Merkley

FOR OFFICIAL USE ONLY

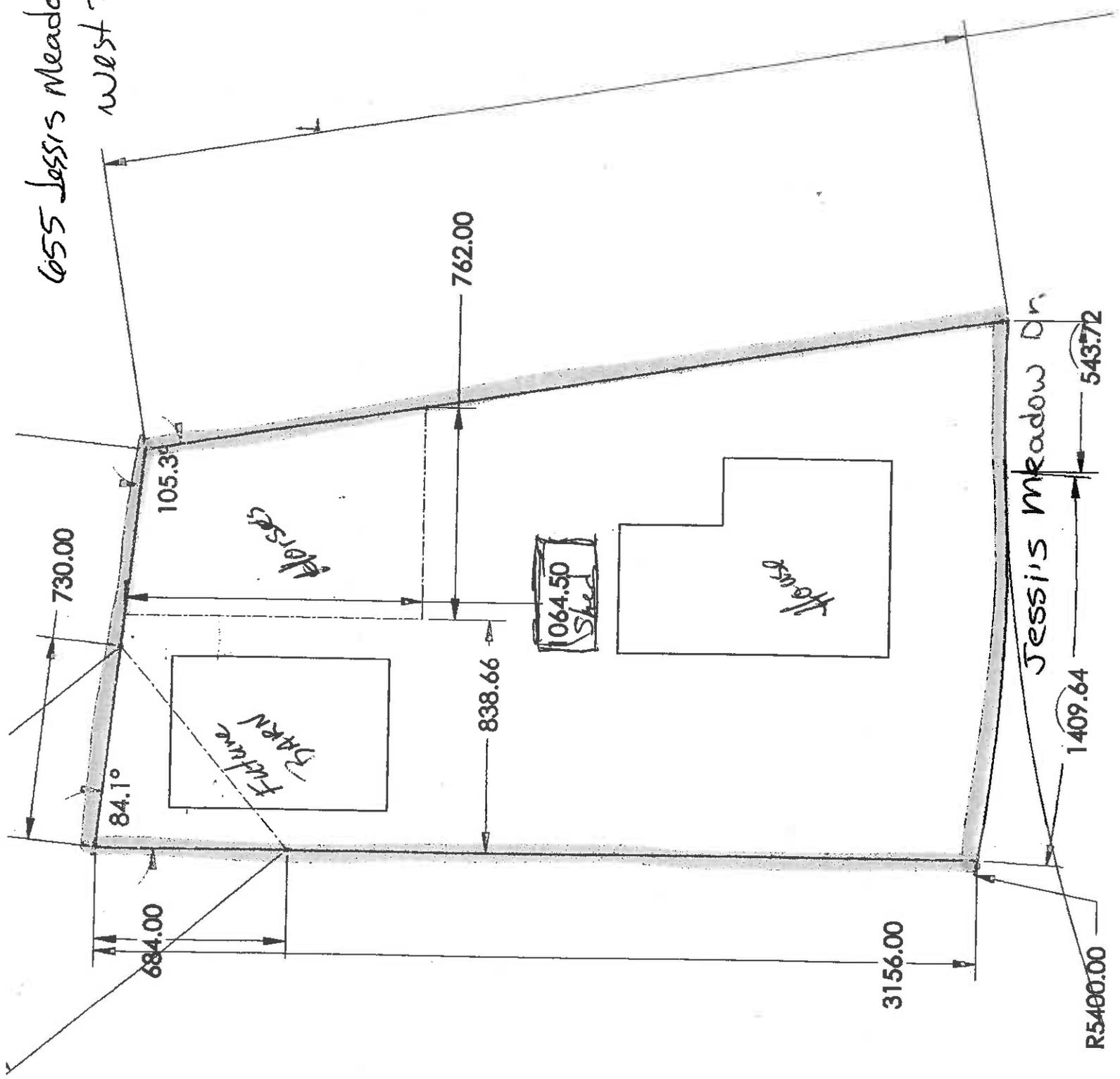
Application Received date: 2/25/15

Heard by Planning Commission date: 3/10/15

Application Fee Received date: 2/25/15

Neighbor Notification: 3/6/15

655 Jessis Meadow Dr  
West Bntf



# MEMORANDUM



**TO: Planning Commission**  
**DATE: March 6, 2015**  
**FROM: Ben White**  
**RE: Lee-Accessory Building Conditional Use Permit**

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Robert and Janet Lee are desirous to construct a barn in the rear portion of their property located at 672 N 660 West. This property is on the east side of the road with the rear (east) property line abutting the Union Pacific Railroad. The attached aerial image shows the approximate location of the proposed structure.

Paragraph 17.24.060.A requires a Conditional Use Permit for an accessory structure in the R-1-10 zone if they are more than one story or more than twenty feet tall (Code language is attached). A possible reason this height restriction has been drafted in the code is to minimize the detrimental impacts tall accessory structures may have on neighboring properties. In considering approval of the conditional use permit, the Planning Commission should make affirmative findings pursuant to Chapter 17.60 Conditional Uses. If there are detrimental impacts due to the added height of the proposed structure, the Planning Commission should proposed conditions that would mitigate the negative impacts.

Affirmative Findings:

1. 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;
2. The proposed use will not inordinately impact schools, utilities, and streets in the area;
3. The proposed use 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
4. The proposed use will comply with the regulations specified in the R1-10 zoning ordinance.

The motion should also state why certain conditions have been imposed or why they have not. For instance, a 24' high accessory building may be acceptable by the railroad tracks where there are not homes near it, but not be acceptable on much smaller properties with neighboring homes in close proximity.

**16.12.050 Blocks.**

*The maximum length of blocks generally shall be one thousand two hundred (1,200) feet and the minimum length of blocks shall be five hundred (500) feet. In blocks over eight hundred (800) feet in length there may be required a dedicated walkway through the block at approximately the center of the block. Such a walkway shall be not less than ten (10) feet in width. The width of blocks generally shall be sufficient to allow two tiers of lots. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.*



# CONDITIONAL USE PERMIT APPLICATION

**West Bountiful City**  
**PLANNING AND ZONING**  
550 N 800 W, West Bountiful, UT 84087  
Phone: (801) 292-4486 Fax: (801) 292-6355  
www.westbountiful.utah.gov

**PROPERTY ADDRESS:** 672 North 660 West

**PARCEL NUMBER:** 06-037-0173 **ZONE:** R-10 **DATE OF APPLICATION:** 03/05/15

**Name of Business:** \_\_\_\_\_

**Applicant Name:** Richard & Janet Lee

**Applicant Address:** 672 N. 660 W.

**Primary phone:** 801-897-4677 **Fax Number:** \_\_\_\_\_

**E-mail address:** ricklee@gmail.com

**Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.**

Would like to build a two story barn with a height of 23 ft. Total property size is .57 acres

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

**Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone**

*I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge.*

**Date:** 3/6/15

**Applicant Signature:** [Signature]

**FOR OFFICIAL USE ONLY**

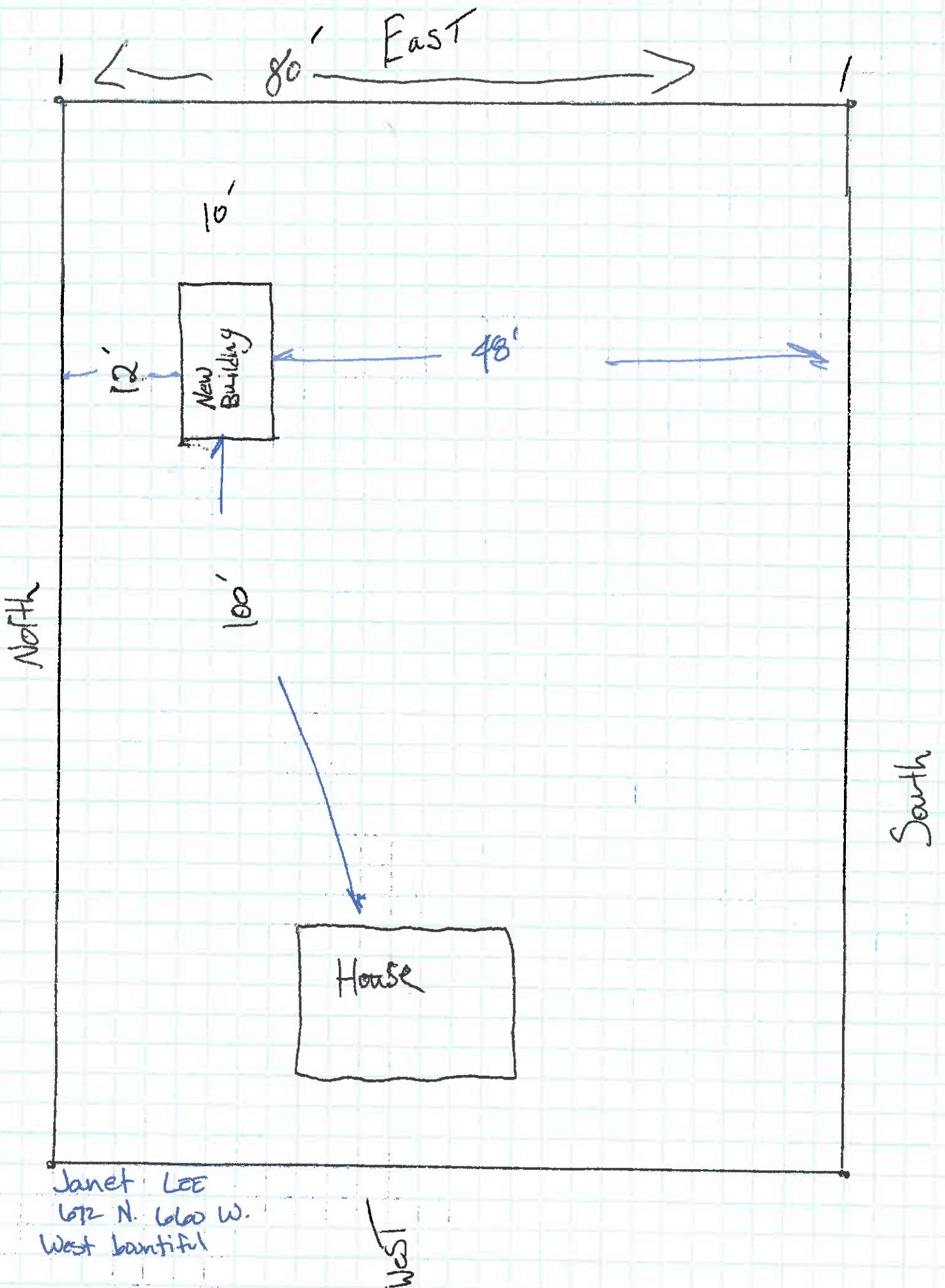
**Application Received Date:** 3-6-15

**Permit Number:** \_\_\_\_\_

**Application Fee Received Date:** 3-6-15

**Permit Approval Date:** \_\_\_\_\_

**Fee:**  \$20 Residential  \$50 Commercial



LEE BUILDING

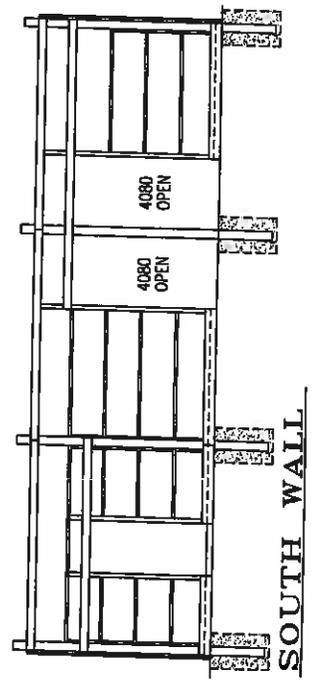
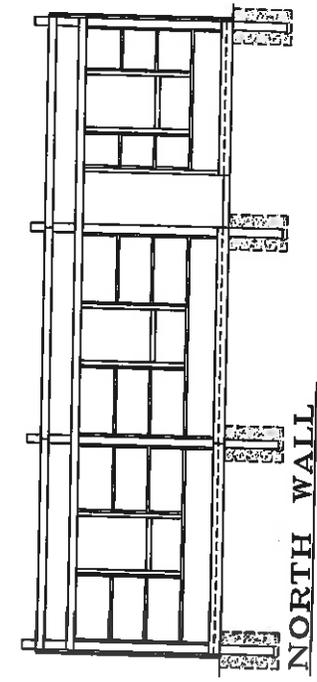
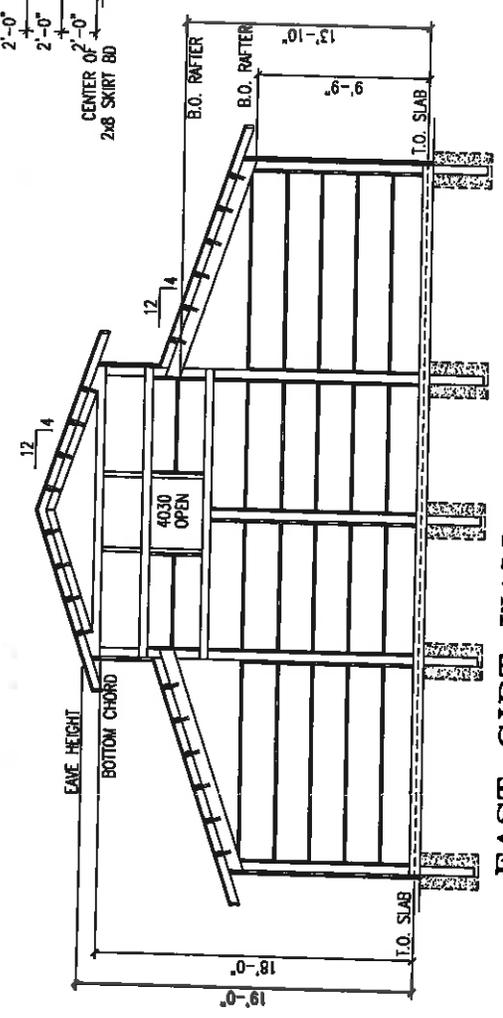
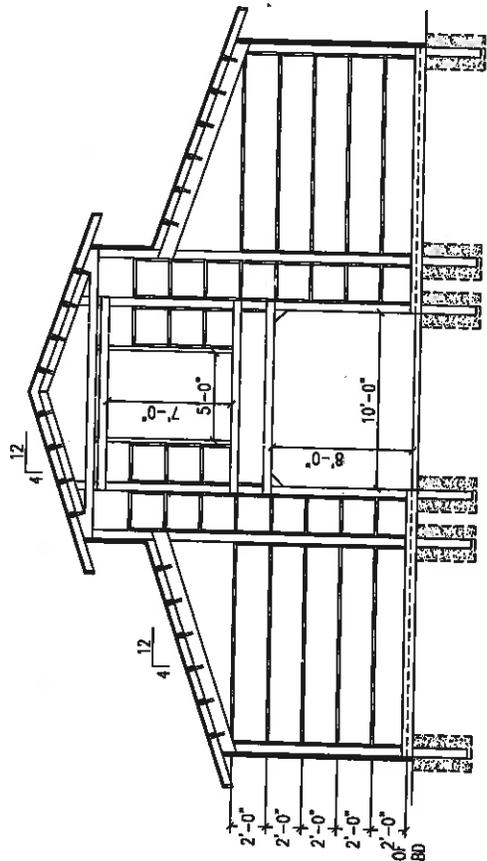
672 NORTH 660 WEST  
WEST BOUNTFUL, UTAH

ROPER BUILDINGS

DAN SCARBROUGH  
(801) 540-5586

DATE: 02-17-15  
SCALE: 1/8"=1'-0"  
JOB: LEE  
SHEET:

03A



#### 17.24.060 Height regulations.

- A. **Maximum Height of Structures.** No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof. Accessory buildings shall not be erected to a height greater than one story or twenty (20) feet whichever is lower, or be higher than the principal building unless otherwise approved as a conditional use by the planning commission.
- B. **Additional height allowed.** Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. **Exceptions to height limitations.** Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.
- D. **Minimum height of dwellings.** No dwelling shall be erected to a height less than one story above grade.



# MEMORANDUM

**TO:** Planning Commission

**DATE:** March 5, 2015

**FROM:** Ben White, Cathy Brightwell

**RE:** Stringham Farms Conditional Use Permit – Flag Lots

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Flag lots are a Conditional Use in the R-1-10 zone. Therefore, a Conditional Use Permit for the flag lots must be granted before the City may consider the Final Plat application for the Stringham Farms Subdivision. For discussion, staff has included some of the potential impacts regarding flag lots and flag lot evaluation guidelines that have been used in previous applications. Lastly, staff has provided possible conditions to impose if the commission grants a conditional use permit in order to mitigate the negative impacts that may result from the flag lots.

## **Common complaints about flag lots:**

1. Cannot find the house/address when driving down a street.
2. Houses in the back yards of other houses/lack of privacy.
3. Drainage problems.
4. Cars driving right by neighboring homes at all hours.
5. Street parking, garbage cans, snow removal areas are limited and problematic.
6. Shared driveway maintenance is often one sided.
7. Disgruntled neighbors who must share.
8. Emergency vehicle access and finding homes is problematic.
9. Meeting fire department criteria is confusing and expensive. How is it enforced once a home is constructed?
10. Flag lot staffs look more like a road than a driveway and present a safety issue for vehicles.
11. Once a flag lot is approved, do they get the same home occupation business possibilities?
12. Public utilities are often required to be constructed on private property which leads to future maintenance issues.

### Previously Used Guidelines to Evaluate Flag Lots:

- A. Creation of flag lots shall not be used to avoid standard development requirements in the zone;
- B. Flag lots are limited to single family dwellings;
- C. Flag lots, including the staff shall be held in fee simple ownership.
- D. No more than two lots can be served by one flag lot staff. If a flag lot staff serves two lots, a cross access agreement shall be recorded;
- E. The lot area for a flag lot must meet the minimum for the zone, not including the staff;
- F. Minimum lot width must conform to the zone;
- G. Front, side and rear setbacks must conform to the zone;
- H. Lots adjacent to the flag lot staff shall meet a corner lot setback if homes on adjoining properties exist at the time the flag lot is created;
- I. A flag lot staff will not be less than one hundred (100) feet and not more than two hundred fifty (250) feet long;
- J. Front lot line shall be the one closest to the flag staff and parallel to the public street;
- K. The flag lot staff must be nearly perpendicular to the public street right of way and cannot be an extension of a "stub street;"
- L. The minimum unobstructed driveway pavement width shall be twenty (20) feet if one lot is served by the flag lot staff. Two lots served by one flag staff will require a minimum twenty-six (26) feet of driveway pavement;
- M. The furthest point on the flag lot staff cannot be more than one thousand (1000) feet from the nearest intersection of two (2) through streets if the flag lot is on a dead end;
- N. Turn around area for emergency vehicles must comply with the current Fire Code
- O. Fire hydrant requirements must comply with the current Fire Code;
- P. Culinary water meter shall be placed at the street right of way and outside of paved areas;
- Q. The site shall be graded so storm water runoff from the flag lot does not negatively impact neighboring properties; and
- R. All flag lots shall have the street address displayed in a prominent location where the staff portion fronts on the public street.
- S. Not more than one lot can be served by one flag lot staff (if adopted, D would be deleted and L would be modified).
- T. A flag lot cannot be contiguous to another flag lot not served by the same staff.
- U. A flag lot shall not be created from a vacant parcel.

### **Possible Conditions to Mitigate Negative Impacts of Flag Lots:**

Attached, for discussion, are possible conditions the commission could impose in order to mitigate the negative impacts from flag lots. You will notice that some of the proposed mitigation measures contradict each other, so obviously all the criteria could not be applied simultaneously. It is also important to determine which conditions must be met at the time the subdivision is approved and which conditions will be met at the time homes are built.

1. Two houses located on adjoining flag lots cannot share a common driveway. There must be a fence separating the driveways.
2. Two flag lot staffs cannot be adjacent. They must be arranged such that two driveways are not adjacent to each other.
3. The driveway staff of a flag lot must be at least 26' wide to allow for some parking while meeting the minimum fire lane requirement.
4. Two adjacent flag lot driveways cannot extend from sharp curves, dead end streets or corners because they look too much like a road extension.
5. The driveway of the flag lot staff cannot be constructed from black asphalt. It looks too much like a road extension.
6. Flag lot driveways must be constructed with a pavement section that will support emergency vehicles and public works vehicles (vacuum trucks, dump trucks, backhoes, etc.) when public utilities must be accessed from the driveway.
7. Privacy fencing along the flag lot staff is required to minimize noise and light pollution and provide additional side yard protection from car and neighboring children interactions.
8. Additional side yard setback on lots in front of flag lots and adjacent to the flag lot staff is required to provide adequate separation between houses and moving vehicles just like on corner lots.
9. Lighting and street numbers are required at the flag lot staff entrance to help guide emergency vehicles and other persons to the correct address; possibly lights along the drive as well.
10. Some sort of monument or sign could be appropriate to help less attentive drivers notice that the street curves and it is a driveway straight ahead.
11. Front, side and rear setbacks on a flag lot are specifically noted on the plat and oriented to provide the least intrusion on neighboring properties.
12. Lots in front of flag lots must be granted an access easement on to the flag lot staff for their driveway so that additional on street parking (fewer drive approaches) is available.
13. Private storm drains must be installed on and around the flag lot to prevent drainage impacts on neighboring properties.



# CONDITIONAL USE PERMIT APPLICATION

**West Bountiful City**  
**PLANNING AND ZONING**  
550 N 800 W, West Bountiful, UT 84087  
Phone: (801) 292-4486 Fax: (801) 292-6355  
www.westbountiful.utah.gov

PROPERTY ADDRESS: 735 WEST 1000 NORTH WEST BOUNTIFUL 84087

PARCEL NUMBER: 06 037 0024 ZONE: R 1 10 DATE OF APPLICATION: 3-2-15

Name of Business: \_\_\_\_\_

Applicant Name: WENDELL W. WILD AND MARY M. WILD

Applicant Address: 735 WEST 1000 NORTH WEST BOUNTIFUL, UTAH 84087

Primary phone: 801-295-4924 CELL 801-663-3324 Fax Number: \_\_\_\_\_

E-mail address: wwild25@comcast.net

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

REQUEST FOR TWO FLAG LOTS

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge.

Date: 3-2-15

Applicant Signature: Wendell Wild Mary M Wild

Application Received Date: 3-2-15  
Application Fee Received Date: 3-2-15  
Fee:  \$20 Residential  \$50 Commercial

FOR OFFICIAL USE ONLY  
Permit Number: 15-003  
Permit Approval Date: \_\_\_\_\_

**COMMERCIAL PLAN REVIEW & COMMENTS**  
**SOUTH DAVIS METRO FIRE AGENCY**

<b>PROJECT: WILD PROPERTY</b>	<b>ADDRESS: 735 W 1000 N WB, UT 84087</b>
<b>CONTACT PERSON: Ben White</b>	<b>PHONE: 801-292-4486 ext 108</b>
<b>EMAIL: <a href="mailto:BWhite@wbcity.org">BWhite@wbcity.org</a></b>	<b>FAX: 801-292-6355</b>
<b>DEVELOPER: Wendell Wild</b>	<b>PHONE: 801-663-3324</b>
<b>EMAIL: <a href="mailto:wwild25@comcast.net">wwild25@comcast.net</a></b>	<b>FAX:</b>
<b>FIRE MARSHAL: Dave Powers</b>	<b>PHONE: 801-677-2412</b>
<b>EMAIL: <a href="mailto:dpowers@sdmetrofire.org">dpowers@sdmetrofire.org</a></b>	<b>FAX: 801-677-0166</b>
<b>REVIEWED BY: Todd Smith <i>Todd Smith</i></b>	<b>PHONE: 801-677-2407</b>
<b>EMAIL: <a href="mailto:tsmith@sdmetrofire.org">tsmith@sdmetrofire.org</a></b>	<b>FAX: 801-677-0166</b>

**2012 IBC, IFC, & current NFPA Standards used for review**

This review does not imply that all conditions were identified, and does not annul requirements identified by said codes.

**DATE: February 24, 2015**

**OCCUPANCY: IRC**

**TYPE OF CONST.: N/A**

**#STORIES: N/A**

**FIRE SPRINKER: N/A**

**Fire Flow: 1000 gpm**

**Hydrants Needed: 1**

**FIRE DEPARTMENT REVIEW COMMENTS**

**General Comments:**

1. Fire access roads shall extend to within 150 feet of any future structure built **(IFC 503.1.1)**.
2. A hydrant shall be within 600 feet of any habitable structure **(IFC 507.5.1 Exception 2)**.
3. **ALL CONDITIONS HAVE BEEN ADDRESSED THROUGH MY PLAN REVIEW AND CONSULTATION WITH WENDELL WILD ON HIS NEW SUBDIVISION PROJECT AND ARE SHOWN ON THE PLAN SUBMITTED.**



# MEMORANDUM

**TO:** Planning Commission  
**DATE:** March 5, 2015  
**FROM:** Ben White  
**RE:** Stringham Farm Subdivision Final Plat

---

The Stringham Farm Subdivision is a nine lot subdivision located in the R-1-10 zone that includes one lot with an existing house that fronts on to 1000 North Street, six lots on the 845 North and 750 West Street extensions, and two flag lots.

Items included for informational purposes.

1. The seven traditional lots conform to the zoning lot area and width requirements.
2. The street right of way conforms to the city's minimum standard requirements.
3. Approval from the South Davis Metro Fire Department has been obtained (see attachment from the fire department and excerpt from the fire code).

Items for consideration.

4. Easements are identified on the plat. An item to specifically note is that the storm drain from the street must drain through the flag lots, along the west boundary of lot 9 and it discharges into the existing ditch along 1000 North Street. Because of the proposed storm drain pipe, Public Works is requesting trees be restricted from being planted in the easement and existing trees be removed. Also access to the storm drain manhole on the north side of the Lot 5 and 9 lot line must be maintained.
5. Show the buildable areas on at least Lots 4, 5, and 6 to identify the permissible house orientations. These were originally shown on the preliminary plat.
6. The two flag lots are addressed by conditional use.
7. According to City Code a mid-block walkway would be required when blocks exceed 800 feet, a mid-block walkway is to be provided (see attach municipal code para. 16.12050). Staff and City Council are working with the LDS church to secure permission for the access through their property. It is staff's suggestion that the access easement be a condition of plat approval, pending further discussions with the LDS church.
8. Engineering has provided the developer some changes to the construction drawings which their resolution should be included as a condition of approval; items such as material specifications, depths and slopes of pipes.
9. Final approval should be conditioned upon design approval by Weber Basin. Approval from the Sewer District has been received.
10. Final approval should be conditioned upon payment of any required fees, executing bond agreements and development agreements prior to plat recordation.
11. A street light should be constructed on the street corner.



**16.12.050 Blocks.**

*The maximum length of blocks generally shall be one thousand two hundred (1,200) feet and the minimum length of blocks shall be five hundred (500) feet. In blocks over eight hundred (800) feet in length there may be required a dedicated walkway through the block at approximately the center of the block. Such a walkway shall be not less than ten (10) feet in width. The width of blocks generally shall be sufficient to allow two tiers of lots. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.*

# MEMORANDUM



**TO:** Planning Commission  
**DATE:** March 5, 2015  
**FROM:** Ben White  
**RE:** Stringham Farm Subdivision Construction Drawing Review

---

Below is a list of comments generated from a review of the February 27<sup>th</sup> construction drawing package.

## Plat

1. Will want to show the buildable areas on Lots 4, 5, 6 to identify permissible house orientations.
2. Fence restrictions or gate provisions for access to the storm drain manhole located at the lot 4,5 and 9 corner.
3. Pedestrian Access easement to the church property, as determined by the City Council.
4. Add a note prohibiting trees within the easement where a storm drain is located.

## Sheet C-02

1. General Note 10. Storm drain pipe in street right of way must be RCP.
2. General Note 16. Reference 2012 APWA
3. Utility Note 13. Water service line size should be  $\frac{3}{4}$  or 1".
4. Utility Note 14. Rephrase the note. The lateral will not extend to the building edge with a shutoff valve.

## Sheet C-04

1. Sidewalk through the driveway in front of Lot 9 needs to be 6" thick concrete over 6" compacted base.
2. Sidewalk along 1000 North Street should be 6" thick concrete the entire way since the curb design is such that cars can easily drive over it.

## Sheet C-05

1. Same note as sheet C-04 regarding concrete thickness

## Sheet C-06

1. The storm drain design does not make a lot of sense to me. Why lay the pipe at 1.5 % slope, only to flatten out to 0.24%. Adjust slopes so that the minimum slope is 0.5%.
2. Add a note that all trees within the storm drain easement will be removed.
3. Concrete must support all cleaning equipment (dump trucks, vacuum trucks, backhoes, etc.) Concrete must be 8" thick. Provide gravel/base course surface from where the concrete drive currently ends to the storm drain manhole (SDMH02)
4. Access to the church property per city council decision.
5. Add a street light to the corner of 845 North and 750 West.
6. Construction drawing approval by the Sewer District and Weber Basin is required.

# MEMORANDUM



**TO:** Planning Commission

**DATE:** February 24, 2015

**FROM:** Ben White, Cathy Brightwell

**RE:** Noncomplying Structures 17.56.030

---

In response to discussion at the February 10 Planning Commission meeting, the proposed language providing flexibility to nonconforming properties has been modified.

The intent of paragraph 17.56.030.B(3) is to allow some flexibility for modifications to structures that were legally conforming at the time of their construction, but due to changes in the code, are now considered nonconforming.

The addition of paragraph 17.56.030.C provides a mechanism for the Planning Commission to impose mitigating conditions similar to a Conditional Use Permit.

## NONCONFORMING – REDLINE VERSION

### 17.56.030 Additions, enlargements and moving.

- A. A building or structure occupied by a nonconforming use ~~and or~~ a building or structure ~~nonconforming-noncomplying as as-~~to height, area or yard ~~requirements-regulations~~ shall not be added to or enlarged in any manner, or moved to another location on the lot, except upon issuance of a permit as provided ~~in by~~ subsection (B)~~(1)~~ of this section.
- B. ~~The planning commission, after public hearing, may issue a permit authorizing a~~ building or structure occupied by a nonconforming use or a building or structure ~~nonconforming noncomplying as as-~~to height, area or yard regulations ~~may to~~ be added to, ~~or~~ enlarged, or moved to a new location on the lot ~~upon a permit authorized by the planning commission, which may issue, provided that if~~ the commission, ~~after public hearing, shall~~ find:  
  1. That the ~~addition or enlargement of or moving of the building proposed change~~ will not be ~~in harmony with one or more of~~ inconsistent with the purposes of this title or the policies expressed in the city's general plan;
  2. That the ~~proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the non-conforming use or structure nor does it violate the development policies adopted in the master plan of the city. (Prior code § 9-16-3) That the proposed change will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity of the nonconforming use or noncomplying structure; and~~
  3. In the case of an addition to or enlargement of a building or structure noncomplying as to yard regulations that was legally complying at the time of construction, the magnitude of any nonconformity of the addition or enlargement ~~with the yard regulations~~ will be less than one-half of the same nonconformity of the noncomplying structure; but in no case shall the applicable required yard be reduced below eighty percent (80%) of the requirement. (For example, if the required side yard setback is ten feet and a noncomplying structure is located six feet from the property line ~~within the applicable yard~~, the addition or enlargement may encroach ~~be located~~ no more than ~~two~~ three feet within the same required yard setback, or eight feet from the property line.)
- C. The planning commission may attach conditions, such as landscape or buffering requirements, to any permit authorized under this section in order to mitigate the detrimental effects of the proposed change or otherwise achieve the purposes of this title.

## NONCONFORMING – CLEAN VERSION

### 17.56.030 Additions, enlargements and moving.

- A. A building or structure occupied by a nonconforming use or a building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner, or moved to another location on the lot, except upon issuance of a permit as provided in subsection (B) of this section.
- B. The planning commission, after public hearing, may issue a permit authorizing a building or structure occupied by a nonconforming use or a building or structure noncomplying as to height, area, or yard regulations to be added to, enlarged, or moved to a new location on the lot if the commission finds:
  - 1. That the proposed change will not be inconsistent with the purposes of this title or the policies expressed in the city's general plan; and
  - 2. That the proposed change will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity of the nonconforming use or noncomplying structure; and
  - 3. In the case of an addition to or enlargement of a building or structure noncomplying as to yard regulations that was legally complying at the time of construction, the magnitude of any nonconformity of the addition or enlargement will be less than one-half of the same nonconformity of the noncomplying structure; but in no case shall the applicable required yard be reduced below eighty percent (80%) of the requirement. (For example, if the required side yard setback is ten feet and a noncomplying structure is located six feet from the property line, the addition or enlargement may encroach no more than two feet within the same required yard setback, or eight feet from the property line.)
- C. The planning commission may attach conditions, such as landscape or buffering requirements, to any permit authorized under this section in order to mitigate the detrimental effects of the proposed change or otherwise achieve the purposes of this title.

1 **West Bountiful City** **PENDING** **February 10, 2015**  
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 February 6, 2015 per state statutory requirement.

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

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan  
12 Malan, Mike Cottle, Laura Charchenko, and Corey Sweat  
13 (Alternate). Councilmember Kelly Enquist.

14

15 **MEMBERS EXCUSED:** Terry Turner.

16

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

19

20 **VISITORS:** Von Hill, Wendell Wild, Mary Wild, Mayor Ken  
21 Romney, Isabel Jardin, Ken and Pam Rasmussen, Mike and  
22 Angela Roberts, Kimberly Healy, Zain Till, and Matt Draper.

23

24 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.  
25 Mike Cottle gave a prayer.

26 **I. Accept Agenda.**

27 Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as  
28 presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among  
29 members present.

30 **Business Discussed:**

31 **II. Consider Conditional Use Application for a Commercial Business License for Titan**  
32 **Imaging in the Commercial Neighborhood District.**

33 Commissioner packets included a memorandum dated February 6, 2015 from Cathy Brightwell  
34 regarding Conditional Use Application- Titan Imaging, 2208 North 640 West, a conditional use

35 permit application from Matthew Silver/Titan Imaging and a site plan. The memorandum stated  
 36 that staff reviewed the request for a conditional use permit for Matthew Silva for a printing  
 37 business which is located in the Commercial Neighborhood District. The memorandum stated  
 38 the following:

- 39 • Other than the actual printing, most business will be conducted in the field.
- 40 • He meets with his customers and delivers their product at their place of business.
- 41 • Site plan shows parking spaces in front of his business with access to 640 West
- 42 • The business fall under Printing and Publishing, which is a conditional use in the C-N  
 43 zone per Section 17.28.020.
- 44 • Staff has reviewed the application and believes it satisfies the requirement in Chapter  
 45 17.60 and recommends approval of the permit subject to affirmative findings in the code  
 46 and recommends a fire inspection approval and no outdoor storage allowed.

47 Cathy Brightwell presented the request for a conditional use permit for Matthew Silva/Titan  
 48 Imaging in at 2208 North 640 West stating that Mr. Silva stating that it is similar to the last one  
 49 approved at the last meeting and is in the same complex. She noted that there will be very little  
 50 traffic. Fire inspection has not been done to date but they have been contacted.

51 Chairman Hopkinson invited Matthew Silvia to the stand and asked the Commissioners for their  
 52 comments.

### 53 **Commissioners Comments:**

- 54 • Laura Charchenko inquired if there would be any employees and Mr. Silvia commented  
 55 to the negative. All other Commissioners had no comment.

56 *Isabel Jardin 1514 North 1000 West interrupted the meeting to make a comment on odors from*  
 57 *pigs at her neighbor's home and wanted to know how to place a complaint. Chairman*  
 58 *Hopkinson told her how to issue a complaint through the city offices. Cathy Brightwell stated*  
 59 *that staff is currently working on the situation.*

### 60 **ACTION TAKEN:**

61 **Corey Sweat moved to grant the Conditional Use Permit to Matthew Silva/Titan Imaging**  
 62 **at 2208 North 640 West with the affirmative finding in Chapter 17.60 the proposed use is**  
 63 **desirable to provide a service that will contribute to the general well-being of the**  
 64 **neighborhood and community, will not be detrimental to health, safety, or general welfare**  
 65 **of persons residing in the vicinity, or injurious to property in the vicinity, shall not**  
 66 **inordinately impact schools, utilities, and streets in the area, will provide for proper**  
 67 **parking and traffic circulation and be in harmony with the area, and will comply with the**  
 68 **regulations specified in the C-N zoning ordinance, and meet the conditions that there be a**  
 69 **approval of a fire inspection and no outdoor storage is allowed. Mike Cottle seconded the**  
 70 **motion and voting was unanimous in favor.**

71

72 **III. Public Comment to Receive Comments Regarding a Preliminary Plat for Stringham**  
 73 **Subdivision at 735 West 1000 North**

74 **ACTION TAKEN:**

75 **Alan Malan moved to open the public hearing to receive comments regarding a**  
 76 **preliminary plat for the Stringham Subdivision at 735 West 1000 North at 7:42 pm. Corey**  
 77 **Sweat seconded the motion and voting was unanimous in favor.**

78 Chairman Hopkinson invited public comment at this time.  
 79

80 **PUBLIC COMMENT:**

- 81 • Zain Till 703 North 700 West, has a concern regarding the proposed flag lots that appear  
 82 to be land locked. Chairman Hopkinson commented that they are lots with long  
 83 driveways and it is within spec at this time.
- 84 • Kimberly Healy 785 North 700 West, with property that adjoins this area and is  
 85 concerned with the construction period and odors that come from outhouses that are on  
 86 site during the development. Chairman Hopkinson insured her that staff will monitor that  
 87 situation. Also there are trees on both sides of the property line and she desires that the  
 88 roots not be disrupted.
- 89 • Ken Rasmussen 730 West 700 North, spoke in regards to the flag lots and wondered if  
 90 the city would be responsible for snow removal or property owners, and if there would be  
 91 room for emergency vehicles. Chairman Hopkinson spoke to the positive. He also  
 92 inquired about a fence that runs along the property and wondered if it follows the  
 93 property line on file. Mr. Wild answered to the positive.
- 94 • Mayor Ken Romney noted that cul-de-sacs make a nice neighborhood and hopes that if  
 95 flag lots are put in that adequate conditions are met for snow removal and trash pick-up.  
 96 He knows that West Bountiful specializes in cul-de-sacs and they are a nice alternative to  
 97 flag lots.

98 **ACTION TAKEN:**

99 **Laura Charchenko moved to close the public hearing at 7:50pm. Alan Malan seconded the**  
 100 **motion and voting was unanimous in favor.**  
 101

102 **IV. Consider Preliminary Plat for Stringham Subdivision at 735 West 1000 North**

103 Included in the Commissioner's packet was a memorandum dated February 5, 2015 from Ben  
 104 White regarding the 9 Lot Stringham Farm Subdivision located at 735 West 1000 North,  
 105 information regarding flag lot guidelines, subdivision application from Wendell and Mary Wild,  
 106 and a site plan. The memorandum including the following information:

- 107 • Wild family is proposing a 9 lot subdivision constructed on 3.83 acre parcel in the R-1-10  
 108 zone connecting to the two stub streets which were constructed as part of the Moss Farm  
 109 development.

- 110 • Developer is requesting permission to construct two flag lots instead of a cul-de-sac at the  
111 north end of the project.
- 112 • General information regarding the subdivision which is that all lots conform to the zoning  
113 requirements and street and utility layout conform to city standards.
- 114 • Storm drainage design needs to be reviewed.
- 115 • It is assumed that the applicant will petition the city for water rights since no water rights  
116 have been offered with the application.
- 117 • Finish floor elevations for all homes will be 12” above the street with the flag lots  
118 elevation to be reviewed.
- 119 • No soil report was provided and is assumed to conform to Moss Farm requirements.
- 120 • An access through to the church property is desirable but staff understands that the  
121 Church is opposed to the connection.
- 122 • Street light on the street corner is desirable.
- 123 • 1000 North Street will have curb and sidewalk constructed to match the adjoining  
124 property (rolled curb and no park strip).

125 Information regarding Flag Lots was given in this memorandum by staff with the  
126 recommendation that a determination on the flag lots should be made prior to a recommendation  
127 on the subdivision as a whole.

128 Ben White highlighted a few things regarding all nine lots and stated that they all conform to city  
129 code. There is no need for a soil report because no basements are allowed. According to the  
130 developer, access to the church property is not favorable by the Church at this time. It is  
131 desirable to have a street light at the knuckle of the subdivision. Curb on 1000 North will be  
132 different than the standard city requirement, due to earlier City Council decisions. Drainage will  
133 be addressed at a later date.

134 Mr. White spoke to the flag lot situation and pointed out the guidelines that were included in  
135 their packet regarding flag lots. He noted some safety concerns regarding the approval of flag  
136 lots.

137 Chairman Hopkinson invited Von Hill/Engineer to the stand for the Commissioner’s to address  
138 their comments/concerns:

139 **Commissioner Comments included:**

- 140 • Alan Malan asked about the distance between the two streets on 700 West. Both streets  
141 are stubbed in according to Ben White.
- 142 • Laura Charchenko inquired about the foot above grade. She asked if the lots to the east  
143 are at that grade. Mr. White stated that they are above that point and was not concerned  
144 about drainage except for the flag lots which will be addressed in later planning. She was  
145 also concerned with the safety of the flag lots.
- 146 • Chairman Hopkinson asked questions in regards to the flag lots. He invited Wendell  
147 Wild to join Von Hill at the stand. Chairman Hopkinson was concerned with the parking  
148 of multiple cars in front of lot # 6. He asked Wendell to address his thinking regarding

149 the flag lots. Mr. Wild stated that the property has been in the family for over 100 years  
 150 and they feel as stewards of the property they wanted to maintain a farm feel on the  
 151 property. In looking at the development they desire to retain and maintain those back lots  
 152 with family members or close friends that value the existing landscaping. He stated that  
 153 he feels the benefits will be greater and tie in with the existing lots well. He also feels  
 154 that cul-de-sacs increase the amount of maintenance that is required. Parking could be  
 155 limited but he thinks the benefits overall are greater to their development than a cul-de-  
 156 sac. Mr. Wild commented that there are not many negatives overall with the flag lot  
 157 design. He asked Mike Cottle his opinion as a realtor which situation is more desirable.  
 158 Mr. Cottle responded that he feels a cul-de-sac is of greater benefit and more marketable.  
 159 Von Hill felt that flag lots have better buildable area than those with a cul-de-sac. He felt  
 160 the real advantage was that lots had more buildable area overall.

- 161 • Corey Sweat asked Von Hill about the curb and gutter on 1000 North and why it was  
 162 different than our standard design. Mr. Hill answered that it matches the existing curb  
 163 design in that area (rolled curb). Mr. White explained that it was designed that way in the  
 164 past to preserve the historic look of the area.
- 165 • Mike Cottle had no comments at this time.
- 166 • Chairman Hopkinson instructed the Commission, in addition to their own feelings  
 167 regarding the development, to consider the staff's comments when making their decision,  
 168 including the safety concern with the flag lot at the end of the road causing confusion for  
 169 drivers who may not realize the road turns. He encouraged the Wild's to consider the  
 170 cul-de-sac design rather than the flag lots in regards to safety issues.
- 171 • Mike Cottle stated that he has seen flag lots put up signage that discourage traffic from  
 172 following the driveway to the end.
- 173 • Chairman Hopkinson pointed out they should also consider emergency vehicle access  
 174 and safety concerns they may have regarding the flag lot design.
- 175 • Corey Sweat asked about drainage issues to the flag lots. Mr. White stated that that issue  
 176 would have to be addressed. Some discussion took place regarding drainage design and  
 177 issues. Mr. Hill stated that this property is better drained than most property in the city  
 178 and felt that any drainage issue could easily be addressed. Mr. White concurred.
- 179 • Alan Malan felt that the flag lots do not meet the flag lot guidelines because it is a  
 180 subdivision. He stated that flag lots should be a last resort to a buildable lot. He pointed  
 181 out some of staff's comments in their memorandum and his concern with building flag  
 182 lots. He stated that there is usually no signage in front of a flag lot and in the future flag  
 183 lots should have to have signage and street lights for safety concerns. He does not feel  
 184 the flag lots serve the citizen's of the city well in this situation and does not make a good  
 185 neighborhood.
- 186 • Chairman Hopkinson pointed out that if flag lots are a big concern at this point they need  
 187 to be addressed at this time. He asked the Commissioner's for their opinions in favor or  
 188 not of flag lots.
- 189 • Mike Cottle was in favor of the cul-de-sac, but is ok if the property owner wants flag lots.
- 190 • Corey Sweat was in favor for what the property owner would like to do with his property.

191 • Laura Charchenko concurs with Corey Sweat in regards to letting the property owner do  
 192 as they wish. She felt that signage and lights were important to incorporate if a flag lot  
 193 design was approved.

194 • Alan Malan is not in favor of flag lots and felt that conditional uses should only be used  
 195 in limited circumstances and that it should be developed to city standards.

196 Ben White suggested that if they are unsure, they may want to table until a future meeting giving  
 197 direction to the developer as to what they would desire.

198 Chairman Hopkinson addressed the concerns of the Commissioners regarding flag lots. He felt  
 199 that a discussion regarding the cul-de-sac and drainage issues should be addressed at this point.  
 200 He informed the developer that there will be conditions put upon the flag lots. Mr. Wild asked  
 201 what the conditions may be. Mr. Hopkinson was not sure at this time what that would include.  
 202 Chairman Hopkinson gave an example of possible driveway wars.

203 At this point, a site plan with the cul-de-sac design was presented from the engineer. Von Hill  
 204 approached the bench with the plot plan. Commissioners reviewed the plans and some  
 205 discussion took place regarding the lay out and pros and cons from the developers stand point.  
 206 He pointed out that Lot # 6 loses a lot of buildable area under the cul-de-sac design.

207

208 **ACTION TAKEN:**

209 **Corey Sweat made a motion to move forward with preliminary approval for Stringham**  
 210 **Subdivision at 735 West 1000 North as proposed, per the flag lot proposal. Mike Cottle**  
 211 **seconded the motion. Discussion: Commissioner Charchenko asked for clarification that**  
 212 **conditions would be placed on it at a future meeting. Chairman Hopkinson confirmed that**  
 213 **they would be. Voting was as follows: Alan Malan- Nay, and all other Commissioners**  
 214 **present voted Aye.**

215 Commission advised them to be considerate of the trees and existing landscaping that are  
 216 standing and to communicate with abutting neighbors in those efforts.

217

218 **V. Discuss Proposed Language Changes in Title 17 to Address Modification to**  
 219 **Nonconforming Structures.**

220 Commissioner's received a memorandum dated February 5, 2015 from Cathy Brightwell and  
 221 Ben White regarding nonconforming structures 17.56.030., a memorandum dated January 28,  
 222 2015 from Ben White regarding nonconforming yard regulations (listing properties that would be  
 223 affected by providing a means to expanding nonconforming structures by reducing the setback  
 224 requirements) and a redline draft of 17.56.030.

225 The February 5<sup>th</sup> memorandum addressed the following items:

- 226 • Reasons for addressing changes to this code.
- 227 • The proposed changes both grammatical and formatting.
- 228 • Modifications to nonconforming uses sections are not intended to change the substance or  
 229 meaning of the code.

- 230 • The addition of new language in Paragraph 17.56.030 (3) which allows for some  
231 flexibility for modifications to structures that were legally conforming at the time of their  
232 construction, but due to code changes, are now considered nonconforming.
- 233 • The addition of paragraph 17.56.030 C which provides a mechanism for Planning  
234 Commission to impose mitigating conditions similar to a Conditional Use Permit.
- 235 • Staff’s review of surrounding city codes regarding nonconforming structures.
- 236 • A list of properties that may be affected by these changes.

237 Chairman Hopkinson thought there would be more properties affected by this issue. Mr. White  
238 reported that legal has not reviewed the most recent changes made but did not feel he would have  
239 a problem with them.

#### 240 **Commissioners Comments included:**

- 241 • Alan Malan asked about Section B. and why the public hearing requirement was deleted.  
242 Ben White responded that the public hearing language was moved to the first sentence of  
243 the Section.
- 244 • Ben White pointed out that in Section B3, the requirement was changed to 80% instead of  
245 footage for consistency.
- 246 • Mr. Malan inquired regarding Section B3. He does not understand the language “that was  
247 legally conforming at the time of construction”. Mr. White explained the reasoning for  
248 this language and the need to keep it as part of the document. Some discussion took  
249 place regarding why it should or should not be included. Ben White noted that most  
250 other cities use this language and if it is deleted it will significantly change the meaning.  
251 Chairman Hopkinson suggested that it be left in the document. Further discussion took  
252 place and it was decided to leave the language in the document.
- 253 • Mr. Malan felt language should be added including “they cannot encroach into any other  
254 setbacks”. It was decided to include that language in the document.
- 255 • Laura Charchenko and Corey Sweat like the changes made.
- 256 • Mike Cottle does not understand the language and is neither for nor against the changes.

257 Chairman Hopkinson would like the noted changes tonight included in the document and  
258 brought back on next agenda for approval to forward this document for Council approval.

259 Cathy Brightwell noted there will be a public hearing held at the next meeting. It has been  
260 properly noticed.

261

#### 262 **VI. Staff Report**

- 263 • Shared a case story regarding side clearances for dwellings. He noted it is just as  
264 important what language is put in as what is not included. Definitions are important in  
265 code. Terms do not always mean the same thing. Do not mix terms when developing  
266 language for codes.
- 267 • Denis Hopkinson and Terry Turner were appointed by City Council last week for a new 4  
268 year term on the Planning Commission, and Chairman Hopkinson will continue as Chair.

- 269 • West Centerville West Neighborhood meetings will be on February 27 and March 3<sup>rd</sup> at  
270 7:00 pm. for public comment.
- 271 • Mayor Romney asked if we want to set a standard, by Ordinance, for developers to make  
272 flag lots instead of cul-de-sacs.
- 273 • Wasatch Front Regional Council has added an overpass at Porter Lane which has made it  
274 to their list of projects and it is out for public comment.
- 275 • The Strand (Pony Haven) property has changed hands finally. There may be a  
276 development proposal come forth in the near future.

277

278 **VII. Approval of Minutes for January 27, 2015**

279

280 **ACTION TAKEN:**

281 **Laura Charchenko moved to approve of the minutes dated January 27, 2015 as presented.**  
 282 **Corey Sweat seconded the motion and voting was unanimous in favor among those**  
 283 **members present.**

284

285 **VIII. Adjournment**

286

287 **ACTION TAKEN:**

288 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting at**  
 289 **9:10 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.**

290

291 .....

292

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

295

296 \_\_\_\_\_

297 Cathy Brightwell - City Recorder

298