

**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
Ben White

**City Recorder**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

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West Bountiful, Utah 84087

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**Chairman**  
Denis Hopkinson

**Commissioners**  
Laura Charchenko  
Mike Cottle  
Alan Malan  
Terry Turner  
Corey Sweat, Alt.

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD  
ITS REGULARLY SCHEDULED MEETING AT 7:30 PM  
ON TUESDAY, AUGUST 23, 2016 AT THE CITY OFFICES**

***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Consider Conditional Use Permit for Miss April's Preschool at 729 W 2300 North.
3. Discuss and Set Public Hearing for Title 13 - Storm Water Utility Changes.
4. Discuss and Set Public Hearing for Title 15 - Building & Construction, Incorporating Special Flood Hazard Language from Title 16 - Subdivisions.
5. Discuss and Set Public Hearing for Title 16, Subdivisions, Updating Storm Water Requirements, Moving Special Flood Hazard Language, and Other Miscellaneous Changes.
6. Discuss and Set Public Hearing for Title 17, Yard and Fence Requirements for Residential Zones.
7. Staff Report.
8. Consider Approval of August 9, 2016 Meeting Minutes.
9. 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 **August 19, 2016.***

**West Bountiful City  
Planning Commission**

**August 23, 2016**

**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 August 19, 2016 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 23, 2016, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry Turner, Alan Malan, Mike Cottle, Laura Charchenko, Corey Sweat (Alternate).

**MEMBERS/STAFF EXCUSED:** Andy Williams (Councilmember)

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

**VISITORS:** April Lewis

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Corey Sweat offered a thought from George Washington.

**I. Accept Agenda**

Chairman Hopkinson 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. Consider Conditional Use Permit for Miss April's Preschool at 729 West 2300 North**

Included in the Commissioner's packet was a memorandum dated August 19, 2016 from Cathy Brightwell regarding a Conditional Use Permit for Home Occupation- Miss April's Preschool, a conditional use permit application and Home Occupation Business License Application with a site plan and signatures of property owners within a 300 foot radius of the exterior boundaries of the intended business location (non-opposing) from April Lewis 729 West 2300 North, West Bountiful, UT.

Memorandum included information from April Lewis desiring to apply for a Conditional Use Permit application and a Home Occupation Business License for Miss April's Preschool. The Preschool will be held Tuesday and Thursday mornings from 9:30 to 11:30 and run concurrently with the Davis County School schedule. Enrollment will be a maximum of 8 children with traffic consisting of parent(s) dropping off and picking up their children during those hours only. Parents will be required to walk children to and from the preschool held in her basement if parking is not available in her driveway or directly in front of her home.

Utah Department of Health does not require a license when care is provided for less than 4 hours per day. SDFIA is scheduled to conduct a fire inspection on April 23, 2016.

Staff confirmed that Miss April's Preschool meets the requirements of the West Bountiful Municipal Code, Chapter 5.28 Home Occupation and Chapter 17.60 Conditional Uses and recommends approval of the Conditional Use Permit.

Cathy Brightwell introduced the applicant and reviewed the information in the memorandum for the Commissioners.

April Lewis was invited to take the stand for questions from the Commissioners. Alan Malan asked if the yard was fenced in and Ms. Lewis answered to the affirmative. Alan Malan made a correction to the memorandum regarding the zoning for this business.

***ACTION TAKEN:***

***Mike Cottle moved to approve the Conditional Use Permit for Home Occupation for Miss April's Preschool for April Lewis at 729 West 2300 North with the following affirmative finding: that the proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhoods and community, will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity, shall not inordinately impact the streets in the area and will comply with the regulations specified in the R-1-10 zoning ordinance. The permit will be issued with the following conditions: Fire Marshall Inspection passes (done); parents will be told to park in the driveway or immediately in front of the home or walk their child to the door to and from the home; no external signage will be used for the preschool; a person who is not a resident of the dwelling shall not be employed to work on the premises; and applicant must provide a Criminal History Report from the Bureau of Criminal Investigation (done). Alan Malan seconded the motion and voting was unanimous in favor.***

**III. Discuss and Set Public Hearing for Title 13 - Storm Water Utility Changes.**

Commissioner's packets included a memorandum dated August 19, 2016 from Ben White regarding Changes to Title 13.30- Storm Water Utility and a draft of Chapter 13.30.

Chairman Hopkinson introduced the draft for Title 13 as being mostly new language. Ben White explained that we are taking what we have been doing and putting it into our City Code which is

a good thing. He pointed out the last section of this document contains the penalties which will be decided by the City Council and added that the fee structure needs to be decided as well. A public hearing will be held to get input on our storm management plan.

### **Questions and Comments from the Commissioners:**

**Chairman Hopkinson** referred to Section 13.30.010 paragraph 2 and asked by whose authority we are bound to this regulation? Ben White answered that it is a State regulation passed down from the feds but he is not certain about the specific Federal regulation attached to it. It was decided to modify the paragraph by removing the reference to the National Pollution Discharge Elimination System.

Chairman Hopkinson commented that the definitions seem to be good but asked if the list could be thinned out. Mr. White will go through the definitions and try to make a shorter list

Denis Hopkinson inquired about how fees and rates would be decided. Mr. White briefly explained the fee structure is laid out in the City's Consolidated Fee Schedule and that there is not currently a fee associated with a storm water permit but the city council could decide to impose one at a future time. Currently, the only fees associated with storm water and grading are included with building permits or subdivision approvals. Mr. Hopkinson suggested making the language more clear regarding the fee structure.

Regarding 13.30.070 A. - Mr. Hopkinson has some issues regarding this section. He feels the permit should cover any mitigation of storm water. Mr. White noted that any impact that will disturb vegetation of more than an acre will require a permit. He is not sure that will be part of the building permit or not. This issue will be discussed with Council to see how they want it structured.

Page 14 G. Chairman Hopkinson asked Mr. White to explain this section. Mr. White explained that if someone wants to redevelop their property they must comply with the storm drain requirements. This applies to both personal property as well as business. Chairman Hopkinson was concerned with the cost that could be incurred with this requirement.

Page 16. E. Concrete Wash Out- Mr. White explained this process and requirement and the difference between larger contractors and smaller contractors and legalities.

**Corey Sweat** commented on 13.30.070. He is concerned about duplicating permits and fees. Mr. White pointed out that this Section points back to our storm water management plan. Reports, inspections, etc. have to be done and fees may need to be charged to cover these expenses. The State is not funding these mandates and the cities have to find ways to pay for these required regulations.

Some discussion took place regarding this issue and how fees are currently being charged for inspections and such. Mr. Sweat understands the need to cover costs but feels we should not duplicate fees and only implement one if necessary. Mr. White pointed out that this section is talking about a permit and no fee has been determined at this time. City Council will discuss this matter to determine if fees are necessary.

**Mike Cottle** asked if the audit conducted several years ago created this mandate. Mr. White answered no, and explained that this was already in the making. We already have a storm water management program and the State storm water permit update that requires the updated storm water ordinance is a scheduled permit renewal. Nate Buzbee, in public works, is our storm water official who oversees the inspections and ordinance compliance. He has attended various trainings and has been certified to do the job. Ben White will complete the paperwork.

**Terry Turner** asked if it is possible to modify the regulations to let the city choose when to apply or impact the citizens with these mandates. Mr. White explained that the State permit requires certain storm water management control measures, but there is language in the ordinance and the management plan that allows the city some flexibility if there is a better way to achieve the same goal or if something, for instance, storm water detention in a high ground water environment, is not possible.

Mr. Turner asked who will audit these regulations. Mr. White replied that it will be handled by the State. Mr. Turner asked who wrote this document. Mr. White replied that the language for this management plan was written by him with help from other cities ordinances.

Terry Turner inquired if there will there be any new city positions needed to manage this regulation. Mr. White explained we already have expanded our Public Works department from 3 to 6 employees over the past few years and no additional employees are needed at this time to handle the management of this mandate.

In regards to Section 13.30.070 C. on page 9, Mr. Turner asked if this increases the City's liability. Mr. White responded that it does not. He noted that dust control is already required of every construction project but now it is now a part of the documented plan.

Mr. Turner asked when these regulations were drafted. Mr. White answered they were started 1½ years ago, became effective March 1, 2016 and will run through March 2021.

**Laura Charchenko** had no additional questions and thanked Mr. White for putting all this together.

**Alan Malan** asked how many pages the permit will be for an average builder when compared to the size of our permit with the State. Mr. White explained while the State permit is lengthy, that will not be the case with the average builder; it will only be a page or two, or may be combined with the existing building permit.

Chairman Hopkinson asked staff to draft new language incorporating this discussion and get it out to Commissioners for review before the next meeting so it can be reviewed, and comments can be accepted, etc. before the public hearing at the next meeting.

#### **IV. Discuss and Set Public Hearing for Title 15- Building & Construction, Incorporating Special Flood Hazard Language from Title 16 – Subdivisions.**

Ben White explained that the new Section 15.16 – Flood Damage Prevention in Special Flood Hazard Areas, was moved from Title 16 – Subdivisions, Section 16.32 because it applies to more than just subdivisions and it is a better fit. The bulk of this section relates to FEMA designated areas which include both developed and undeveloped properties. He noted that the other change

is to make the city engineer, rather than public works director, responsible to administer and implement Building and Construction for the City.

There were no comments or questions from the Commission.

**V. Discuss and Set Public Hearing for Title 16, Subdivisions, Updating Storm Water Requirements, Moving Special Flood Hazard Language, and Other Miscellaneous Changes.**

Commissioner's packets included a memorandum dated August 19, 2016 from Ben White in regards to changes to our storm drain requirements in Title 13 that are also needing to be changed in Title 16 to eliminate redundancy, contradicting sections, and other proposed minor clarifications/changes that include:

- 16.8.50 E - water right requirement is being relocated from the drainage section (16.28.140) and included in the "Fee" section.
- 16.16.20D 91) - requirement for storm water design information is being directed to other sections of the code where those requirements are detailed as well as the city's design standards. The design standards have been adopted by a resolution of the city council.
- 16.16.20D (2) - The lighting plan requirement is being clarified that it is to comply with the city's design standards. Our City does have a design standard for street lights currently. It will need to be developed and adopted by the city council.
- 16.16.20.D (4) - A design standard for geotechnical reports needs to be developed.
- 16.28.60 A - The requirement for the hydrology report is referenced back to the storm water ordinance instead of having redundant or contradictory requirements listed here.
- 16.28.80 - The phrase "for a 100 year storm event" was added to clarify the developer's responsibility.
- 16.32 - has been moved to Title 15 and the proposed changes to this section are listed in the Title 15 discussion.

There was discussion regarding the hydrology report required in Section 16.28.60 and the desire to refer back to specific standards in Title 13.

There were no additional comments from the Commissioners.

***ACTION TAKEN:***

***Laura Charchenko moved to hold a public hearing on Tuesday, September 13 at 7:35 pm or as soon thereafter as time permits regarding proposed additions and language changes to Title 13 Storm Water Utility Changes, Title 15 Building and Construction, and Title 16 Subdivisions discussed above. Additional changes from this meeting will be incorporated and distributed by staff so that all Commissioners can sign off on them before the public hearing. Alan Malan seconded the motion and voting was unanimous in favor.***

## **VI. Discuss and Set Public Hearing for Title 17, Yard and Fence Requirements for Residential Zones.**

Included in the Commissioner's packet was a memorandum from Ben White dated August 19, 2016 regarding Yard Setbacks and a copy of 17.04 with suggested language changes. The memorandum included the following information:

- There are some discrepancies between the "yards and setbacks" definitions in Title 17, the setbacks included in each zoning section and in city practices. Two inconsistent items relate to fences and setbacks for corner properties.
- The copy attached of Title 17 is a clean version with no edit marks but has highlighted areas that include language changes.

Ben White pointed out the changes made to the last document from our prior meeting.

Alan Malan inquired about 17.XX.100.B. He said he understands that language but would like to see it clarified. He suggested that the sentence be made into two sentences so to maintain clarity and understanding.

Chairman Hopkinson is concerned about the Fence requirements section and pointed out that we have multitudes of properties that already do not comply with this language. We need to address open space/agriculture areas versus subdivision property. If this language is put into place, new property owners will be affected. Mr. White pointed out that properties prior to this ordinance change would not be required to abide by this new language.

Mr. Chairman wants language put into place that will mitigate those concerns with larger properties and animals. Mr. White pointed out that this ordinance is not pressing and we can take time to think these things out before drafting final language.

Mr. Hopkinson asked if we should be placing restrictions on property owners on these issues. Some discussion took place regarding this idea. Mr. White feels we do have a right to make regulations for the health, safety and welfare of our citizens.

Chairman Hopkinson stressed the importance of studying what we put into place because it is what we will have to live with in the future. Trying to make new regulations is a difficult thing when we have so many that are out of compliance with the new language we are trying to put into place.

Corey Sweat feels that by making the changes Alan Malan suggested in 17.xx.100 B. that makes a difference. In observing fences already in place, 85 % of those in place are not in compliance with the suggested language changes to this Title.

Mr. Sweat pointed out that in his opinion corner lots with fences in place currently do not pose a safety hazard. We cannot and should not legislate all things. He feels for the most part we need to protect the citizen's rights and leave common sense to take care of safety issues.

Mike Cottle concurs with Mr. Sweat but feels we do need to consider safety when making laws and ordinances.

Terry Turner does not feel we need to be heavy handed in regulations but do need to protect the public where applicable. Common sense needs to prevail.

Laura Charchenko feels that we need corner lot fence regulations but not necessarily regulate all property owners' fence heights.

Alan Malan feels the front yard fencing should not be opaque in nature. He agrees with Chairman Hopkinson to some extent.

Chairman Hopkinson suggested that we include definitions to clarify our standards and regulations for fencing or is it possible to come up with language that includes all those different uses? Mr. White commented that this could become a bit complicated to do for all instances in our City.

Chairman Hopkinson wants to allow property owners' individuality to come out and gave various examples of how that needs to take place. He wants to take the time necessary to create a document that will not be regretted.

Further discussion will take place in the upcoming meetings before language is put into place or a public hearing is scheduled.

## VII. Staff Report

### Ben White:

- **Layton city has introduced a new bus that looks like a trolley and runs from Layton front runner station to the Mall, Convention Center, Hospital and to the Clearfield station. It is funded by various businesses and is free to the public; has included Prop 1 money.**
- **City has received a new set of plans from Ovation Homes with some changes to the development agreement. We are reviewing the changes; some have to do with retention water.**
- **City council is still looking at the PUD ordinance; it is not ready to come to planning commission. Chairman Hopkinson would like PUD language to come before them on the next agenda. He requested a point by point discussion sheet of items that need to be discussed. This will allow the Commission to have the opportunity to discuss their ideas while the City Council discusses theirs.**
- **Asphalt may be down on Pages Lane by the end of the week. Denis Hopkinson reported some soft spots along that road that need to be addressed. Ben White explained that it may be a slow process until completion.**
- **400 North construction in Bountiful is back in progress after a short work stop.**
- **Our 500 South water project will be starting in a few weeks.**

### Cathy Brightwell reported:

- **An application was received for amusement devices at the theatre. Our city code regulates amusement devices quite strictly, including the need for conditional use permits. She explained a few of the regulations. Chief Hixson has been contacted by the State with concerns about machines that are close to gambling machines. Staff and Legal are going to work to see what is necessary to regulate and what is not.**



- **Land Use Training 101- This Saturday. If interested Cathy will register you to attend.**

**VIII. Approval of Minutes of dated August 9, 2016.**

**ACTION TAKEN:**

**Alan Malan moved to approve of the minutes dated as presented. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.**

**IX. Adjournment**

**ACTION TAKEN:**

**Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting adjourned 9:55 p.m.**

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The foregoing was approved by the West Bountiful City Planning Commission on September 13, 2014, by unanimous vote of all members present.

*Cathy Brightwell*

Cathy Brightwell – City Recorder

