

**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
Ben White

**City Recorder**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355

**Chairman**  
Denis Hopkinson

**Commissioners**  
Laura Charchenko  
Mike Cottle  
Alan Malan  
Corey Sweat

## **THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A MEETING BEGINNING AT 7:30 PM ON TUESDAY, JANUARY 9, 2018 AT THE CITY OFFICES**

Welcome. Prayer/Thought by Invitation

1. Accept agenda.
2. Public Hearing to Receive Comments for the West Yard Subdivision consisting of 11.22 acres at approximately 1410 W 1200 North.
3. Consider Final Approval for West Yard Subdivision at Approximately 1410 W 1200 North.
4. Public Hearing to Receive Comments on Proposed Changes to Yard Regulations in Title 17.
5. Consider Changes to Yard Regulations in Title 17.
6. Consider Final Plat for High Gate Estates at 1100 West and 100 North.
7. Staff report.
8. Consider approval of minutes from December 12, 2017 meeting.
9. Adjourn.

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*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 January 5, 2018 by Cathy Brightwell, City Recorder.*

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## **NOTICE OF PUBLIC HEARING**

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, January 9, 2018 at 7:30 p.m., or as soon thereafter as possible, at the City offices, 550 North 800 West.

The purpose of the hearing is to receive public comment regarding a proposed subdivision of 11.22 acres referred to as West Yard Subdivision, at approximately 1410 W 1200 North.

A copy of the proposal may be viewed on the City website: [www.wbcity.org](http://www.wbcity.org). All interested parties are invited to participate. Written comments may be submitted to the City Offices prior to the meeting.

*Cathy Brightwell*  
*City Recorder*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** January 4, 2018

**FROM:** Ben White

**RE:** New West Yard Subdivision

---

South Davis Sewer District has agreed to sell West Bountiful City approximately half of their property at approximately 1410 West 1200 North. The Sewer District acquired land from UDOT following the construction of the Legacy Highway. The City is interested in pursuing the construction of a new public work facility at this location.

The land parcel is currently 11.22 acres. The City is purchasing 5.37 acres of this parcel plus a 0.33 acre parcel in unincorporated Davis County. Since this is a subdivision, a public hearing is required. In place of a subdivision plat, the attached Record of Survey together with the certification will be submitted to Davis County for recordation.

WHEN RECORDED, RETURN TO:  
West Bountiful City Corporation  
Attn: City Recorder  
550 North 800 West  
West Bountiful, Utah 84087

**WEST BOUNTIFUL CITY**  
**LAND USE AUTHORITY'S**  
**CERTIFICATE OF WRITTEN APPROVAL**  
**OF SMALL SUBDIVISION WITHOUT A PLAT**

In accordance with Utah Code Ann. § 10-9a-605, as amended, "Exemptions from plat requirement," and West Bountiful Municipal Code § 16.16.020(F), as amended, "Waiver for Minor or Small Subdivisions," the City Council of West Bountiful City (the "**City**"), acting as the City's land use authority, hereby certifies that the proposed subdivision of the property located at approximately 1410 West 1200 North, West Bountiful, Utah, referred to in the attached record of survey map (the "**Property**"), has met the following requirements:

1. The City has provided notice as required by ordinance.
2. The proposed subdivision is not traversed by the mapped lines of a proposed street as shown in the West Bountiful General Plan and does not require the dedication of any land for street or other public purposes.
3. The proposed subdivision has been approved by the culinary water authority and the sanitary sewer authority.
4. The proposed subdivision is located in a zoned area.
5. The proposed subdivision conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

The City Council, as land use authority, hereby approves and authorizes the subdivision of the Property as outlined in the attached metes and bounds description of the Property.

DATED this \_\_\_\_ day \_\_\_\_\_, 20\_\_.

WEST BOUNTIFUL CITY

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Recorder

ACKNOWLEDGMENT

STATE OF UTAH    )  
                              : ss  
County of Davis    )

On the \_\_\_\_\_ day of February, 2018, personally appeared before me  
\_\_\_\_\_ and \_\_\_\_\_ who, being duly sworn, acknowledged  
that they are the Mayor and City Recorder, respectively, of West Bountiful City, and that they  
signed the foregoing instrument on behalf of the City by authority of the City Council.

\_\_\_\_\_  
Notary Public



**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
Ben White

**City Recorder**  
Cathy Brightwell

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

## **NOTICE OF PUBLIC HEARING**

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, January 9 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 Yard regulations in Residential Zones, Title 17.

A copy of the proposal may be viewed 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:** January 5, 2018

**FROM:** Ben White

**RE:** Yard Regulations

---

About a year ago, the city made changes the yard regulations which included relaxed fencing requirements and formally recognizing “street side yards” for corner lots different than “side yards” for lots not on a street corner. It has come to staff’s attention as we have applied the new code language to various situations in the city, that the language is not as clear as it could be.

Included with this memo is the proposed language. The changes better identify the required setbacks for main structures and accessory structures. The change also clarifies what setbacks can or cannot be modified by a conditional use permit.

Since the setback language is the same in all three residential zones (R-1-10, R-1-22 and A-1), only code section is included. The intent is that any changes would apply equally to all sections.

## WBMC Title 17 – Proposed Changes to Yard Regulations

"**Setback**" means the distance between a lot line and a structure on the lot. Setbacks are measured from the lot line to the nearest foundation or column. For a main structure in any residential district, a maximum two-foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area

"**Yard**" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. "**Front yard**" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear. "**Rear yard**" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot; provided that in a corner lot, the rear yard extends only from the side lot line to the street side yard. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "**Side yard**" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Yard, Street Side. "**Street side yard**" means the space on the same lot with a building, between the side line of the building and the street side lot line and extending from the front yard to the rear lot line. The "width" of the street side yard is the minimum distance between the street side lot line and the side line of the building.

### **17.24.050, 17.20.050, 17.16.050 Yard Regulations**

The following regulations apply in the R-1-10, R-1-22, and A-1 residential districts:

#### A. Minimum Setbacks.

1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
3. Street Side Yard.
  - a. On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.
  - b. Accessory structures on a corner lot may be erected up to three (3) feet of the street side lot line if the accessory structure:
    - i. Is set back from the front lot line farther than the rear line of the main structure;

- ii. Is two hundred (200) square feet or less;
  - iii. Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
  - iv. Complies with other requirements of this Code.
- c. Except as provided elsewhere in this title, no accessory structure may be constructed within the street side yard of a corner lot unless the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.

4. Rear yard.

- a. The minimum rear yard setback for all main structures is thirty (30) feet.
  - b. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if built to fire code standards.
  - c. A deck may encroach into a rear yard setback only with a conditional use permit meeting the following criteria:
    - i. The entire deck is at least twenty (20) feet from the rear property line;
    - ii. The deck is no closer to a side lot line than the minimum required side yard setback for the main structure;
    - iii. The deck does not encroach more than 200 square feet into the setback area;
    - iv. The floor of the deck is no higher than the highest finished floor of the main structure;
    - v. The portion of the deck that extends into the rear yard setback cannot be covered;
    - vi. The railing cannot be more than forty-eight (48) inches high and must be less than twenty-five (25%) non-transparent; and
    - vii. The deck satisfies other conditions required by the planning commission.
- B. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be ten (10) feet, unless otherwise approved by the planning commission as a conditional use. A conditional use cannot reduce the minimum required front, side, street side, or rear yard setbacks.
- C. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easements (i.e., public utility easements, etc.)
- D. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued.
- E. Yard space for one building only. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where building is established.

- F. Area of structure and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the rear yard.
- G. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building
- H. Other Building and Structure Restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback except landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

## WBMC Title 17 – Proposed Changes to Yard Regulations

"**Setback**" means the distance between a lot line and a structure on the lot. Setbacks are measured from the lot line to the nearest foundation or column. For a main structure in any residential district, a maximum two-foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area

"**Yard**" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. "**Front yard**" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear. "**Rear yard**" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot; provided that in a corner lot, the rear yard extends only from the side lot line to the street side yard. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "**Side yard**" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Yard, Street Side. "**Street side yard**" means the space on the same lot with a building, between the side line of the building and the street side lot line and extending from the front yard to the rear lot line. The "width" of the street side yard is the minimum distance between the street side lot line and the side line of the building.

### 17.24.050 Yard Regulations

The following regulations apply in the R-1-10, R-1-22, and A-1 residential districts ~~R-1-10~~:

#### A. Minimum Setbacks.

1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
2. Side yard. The minimum side yard setback for all ~~main~~ structures is ten (10) feet for any one side. Main structures shall have, with a combined total side setback of twenty-four (24) feet for both sides.

#### a.3. Street Side Yard.

~~b.a.~~ On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.

~~e.b.~~ Accessory structures on a corner lot may be erected up to within three (3) feet of the street side lot line if the accessory structure:

- i. ~~The accessory structure is~~ set back from the front lot line farther than the rear line of the main structure;
- ii. Is two hundred (200) square feet or less;

- iii. Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
  - ~~i-iv.~~ iv. Complies with other requirements of this Code.
- ~~d-c. A~~ Except as provided ~~in Section 2. b elsewhere in this title~~, no accessory structures larger than two hundred (200) square feet and taller than nine (9) feet may be constructed within the street side yard of a corner lot unless if the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.
- ~~e. The minimum side yard and street side yard setback for accessory structures is six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.~~

~~3.~~ 4. Rear yard.

- a. The minimum rear yard setback for all main structures is thirty (30) feet.
- b. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if built to fire code standards, ~~unless otherwise approved as a conditional use by the planning commission.~~
- c. A deck may encroach into a rear yard setback only with a conditional use permit meeting the following criteria:
  - i. The entire deck is at least twenty (20) feet from the rear property line;
  - ~~i-ii.~~ ii. The deck is no closer to a side lot line than the minimum required side yard setback for the main structure;
  - ~~ii-iii.~~ iii. The deck does not encroach more than 200 square feet into the setback area;
  - ~~iii-iv.~~ iv. The floor of the deck is no higher than the highest finished floor of the main structure;
  - ~~iv-v.~~ v. The portion of the deck that extends into the rear yard setback cannot be covered;
  - ~~v-vi.~~ vi. The railing cannot be more than forty-eight (48) inches high and must be less than twenty-five (25%) non-transparent; and
  - ~~vi-vii.~~ vii. The deck satisfies other conditions required by the planning commission.
- B. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory ~~use buildings~~ structures shall be ten (10) feet, unless otherwise approved by the planning commission as a conditional use. A conditional use cannot reduce the minimum required front, side, street side, or rear yard setbacks.
- C. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easements (i.e., public utility easements, etc.)
- D. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued.
- E. Yard space for one building only. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other

building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where building is established.

- F. Area of structure and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the rear yard.
- G. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building
- H. Other Building and Structure Restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, [side](#), or [street side](#) yard setback except landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, [side](#), or [street side](#) yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

# MEMORANDUM



**TO:** Planning Commission

**DATE:** January 4, 2018

**FROM:** Ben White

**RE:** High Gate Subdivision Final Plat

---

Onion Patch Securities, LLC, is proposing a residential development consisting of 27 1-acre lots located between 1100 W and 1450 W south of the Mill Creek canal. The development includes lots that conform to the A-1 zone requirements.

As with nearly all properties left to develop, this property has its own unique challenges. Items unique to this development which have been previously discussed include:

1. The principal entrance to the development will be off 1100 West at approximately 100 South. The Development includes a 110 foot by 800 foot street right of way entry road. The landscaping in the right of way will be maintained by the H.O.A. A six-foot-wide sidewalk along one side is proposed along this section of road. An entry landscape island is proposed to be constructed in the middle of the street right of way and is also to be maintained by the H.O.A.
2. The second means of access to the development is a southerly continuation of 1450 West. The adjoining property owner (Al Jones) and Onion Patch have executed an agreement for the right of way dedication and street construction. The City has a Quit Claim deed from the Jones' for the right of way area.
3. Davis County has agreed to allow a direct discharge into the canal in return for other contributions by the developer. As of the time of this memo, public works has not had the opportunity to comment on the proposal that the storm drain run between lots 1 and 2 before discharging into the canal. Staff would also like to eliminate the detention basin near lot 13 and pipe that water straight to the canal.
4. The Developer owns a large parcel of land west of this development. The Sewer District has agreed to construct the sewer line to the west and the property owner has agreed to grant the easement. This sewer line will eliminate the need for a sewer lift station.
5. 1450 West is included to extend south to the development boundary with a temporary vehicle turnaround. There is a 0.5 acre parcel at the south end of the road that is approved for commercial use only (not residential). It is in the B-U zone and not the A-1 zone.
6. A Holly Frontier wastewater drain line cuts through the property. The Sewer District will be intercepting and rerouting the flow in 1100 West. The result is that the line through the development will either be abandoned in place or the pipeline removed.
7. A remnant parcel of ground is property off 1450 North against Mill Creek Meadows. The developer is working with the adjoining property owner for its sale. If it is not sold to the adjoining property owner prior to plat recording, it will be become street right of way and the responsibility of the H.O.A. to maintain.

8. Jack Williams owns the property to the south of the development. He has expressed a desire for street access. As proposed, the development will provide access to the Williams property at the west end (1450 W) and at the east end of Lot 14 where the right of way aligns with the south property boundary.
9. A portion of the Mill Creek channel is located within this development. The Developer owns the ground and Davis County has an easement. As the plat is currently drawn, Mill Creek is included within the lots. A fence will be maintained between the Mill Creek channel and the home owners' rear yards.

There are items remaining which must be addressed prior to plat recordation.

- A. West Avenue will be renamed.
- B. Provide a title report with no objectionable entries;
- C. Payment of fees and storm water impact fee;
- D. Post the appropriate improvement bonds;
- E. Execute an Improvement Agreement with the City;
- F. Execute a Development Agreement which includes the landscape maintenance requirements;
- G. Deed water right to City or payment in kind;
- H. Final design approval by utility companies and Bureau of Reclamation for a storm drain discharge;
- I. Minor clarifications on engineering drawings.

**PENDING**

**December 12, 2017**

1 **West Bountiful City**  
2 **Planning Commission**

3

4 ***Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website*  
5 *and on the West Bountiful City website on December 11, 2017 per state statutory requirement.*

6

7 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, December 12,**  
8 **2017 at West Bountiful City Hall, Davis County, Utah.**

9

10 **Those in Attendance:**

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan, Laura Charchenko, Corey Sweat, Mike  
12 Cottle, and Council member Kelly Enquist

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

14 **VISITORS:** Jay Cough, Todd Willey, Angie Banford, Eric Banford, Gary Jacketta, Candice Jones, Al Jones,  
15 Rob Jenson, Chris Jenson, Michael Brodsky, Zachary Brodsky.

16

17 The regular Planning Commission Meeting was called to order at 7:30 pm by Chairman Denis Hopkinson.  
18 Mike Cottle offered a prayer.

19 **1. Accept Agenda**

20 Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Cory  
21 Sweat seconded the motion. Voting was unanimous in favor among members present.

22

23 **2. Consider Conditional Use Application for Axis Driveline & Drivetrain, LLC., at 847 West 500**  
24 **South**

25 Commissioner packets included a memorandum dated December 8, 2017 from Cathy Brightwell  
26 regarding an application from Eric Banford for a conditional use permit for Axis Driveline & Drivetrain,  
27 LLC, located at 847 West 500 South to provide rebuilding and repair of automotive driveline and  
28 drivetrains. In addition to the memorandum, there was a photo of the outside of the business.

29 Ms. Brightwell explained that Mr. Banford has secured garage space from Ralph Smith Company that  
30 will accommodate two vehicles. It is unlikely there will be more vehicles on site but if there are, they  
31 will be stored in a fenced in area out of site of the street.

32 Eric Banford was invited to take the stand to answer questions:

33 Alan Malan asked Mr. Banford if he would be doing light duty manual transmissions. Mr. Banford  
34 answered to the affirmative. Mr. Malan asked how he would get rid of waste. Mr. Banford explained  
35 that he would have waste oil container, furnace and hauling stations.

36 No additional questions from the Commissioners.

37 Chairman Hopkinson encouraged Mr. Banford to keep the property looking tidy.

38 **ACTION TAKEN:**

39 ***Corey Sweat moved to approve a Conditional Use Application for Axis Driveline & Drivetrain, LLC., at***  
40 ***847 W 500 South with the following findings: the proposed use at the particular location is necessary***  
41 ***or desirable to provide a service or facility that will contribute to the general well-being of the***  
42 ***neighborhood and the community and the conditions to be imposed in the conditional use permit will***  
43 ***mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the***  
44 ***purposes of this subsection. Conditions include approval of fire inspection, vehicles to be serviced will***  
45 ***be stored either inside the garage bay or in a fenced area of out of the site of the street with no other***  
46 ***outdoor storage allowed, and upon issuance of this permit will purchase a West Bountiful City***  
47 ***business license. Laura Charchenko seconded the motion and voting was unanimous in favor.***

48

49 **3. Consider Conditional Use Application for an Accessory Dwelling Unit for A1 Jones at 161 North**  
50 **1450 West.**

51 Commissioner packets included a memorandum dated December 8, 2017 from Ben White regarding an  
52 accessory dwelling unit (ADU) at 161 N 1450 West with an attached site plan.

53 Mr. and Mrs. Jones desire to construct a new home with a swimming pool next to the house. The pool  
54 will include a pool house (apartment) connected to the house via a small breeze way. It is necessary to  
55 have a conditional use permit since the ADU is a separate dwelling.

56 Mr. Jones took the stand for questions/concerns from the Commissioners.

57 Mike Cottle asked if there would be people staying in the ADU. Mr. Jones answered that it will only be  
58 used for guests. The pool will be fenced in for safety concerns.

59 No other comments/questions from the Commissioners.

60 **ACTION TAKEN:**

61 ***Laura Charchenko moved to approve a Conditional Use Application for an Accessory Dwelling Unit for***  
62 ***A1 Jones at 161 N 1450 West with the following findings: the proposed use will not be detrimental to***  
63 ***the health, safety or general welfare of persons residing or working in the vicinity or injurious to***  
64 ***property or improvements in the vicinity; it will not inordinately impact schools, utilities and streets;***  
65 ***and the following conditions will mitigate the reasonably anticipated detrimental effects of the***  
66 ***proposed use. 1. Provide adequate parking, 2. Meet current building code, 3. The permit is not***  
67 ***transferable and if at any time the home is not occupied by the applicant or his immediate family or***  
68 ***the applicant sells the property, the permit shall be revoked pursuant to 17.60.080, and 3) If the***  
69 ***applicant decides to lease the ADU, they will include in any lease document, language that the lease***

70 *will terminate upon sale of the property. Alan Malan seconded the motion and voting was*  
71 *unanimous in favor.*

72

73 **4. Consider Preliminary Plat for High Gate Estates at 1100 West 100 North**

74 Packets included a memorandum dated December 8, 2017 from Ben White regarding High Gate  
75 Subdivision.

76 Ben White introduced the 27-1 acre lot subdivision located at 1100 West and 100 North. He described  
77 the unique challenges of this subdivision.

- 78 • Principle entrance to the development will be from 1100 West at approximately 100 South. This  
79 includes a 110 foot by 800 foot strip of land which is to be deeded as street right of way. There  
80 will be a six foot wide sidewalk along the north side of the road. A landscape island is proposed  
81 at the entryway and in the middle of the street right of way.
- 82 • Second access to the development will be the south continuation of 1450 West street. The  
83 developer currently does not own all the property for this street continuation. An agreement for  
84 the right of way and street construction is being executed with neighboring property owner Al  
85 Jones.
- 86 • Direct discharge into the canal has been negotiated with Davis County. Public works would like  
87 to see the storm drain run between lots 1 and 2 before discharging into the canal and in  
88 addition eliminate the detention basin near lot 13 piping the water straight into the canal.
- 89 • The Sewer District has agreed to construct a sewer line to the west and the property owner has  
90 granted the easement.
- 91 • 1450 West is intended to extend south to the development boundary with a temporary  
92 turnaround for vehicles. There is a ½ acre parcel to the south end of the road that can be  
93 approved as commercial use because it is in the B-U zone.
- 94 • Street lights will be placed at the entry of 1100 West and at intersections and in the cul-de-sac.
- 95 • Fire hydrants will be appropriately distributed as code requires.
- 96 • A wastewater drain line that belongs to Holly, cuts through the property. The Sewer District will  
97 intercept and reroute the flow in 1100 West. The lines will either be abandoned, or the pipeline  
98 removed.
- 99 • Sale of a remnant of property off 1450 North against Mill Creek Meadows is pending.
- 100 • Jack Williams owns the property to the south of the development and would like street access.  
101 Access will be provided to the Williams property at the west end (1450 West) and at the east  
102 end of Lot 14.
- 103 • A portion of Mill Creek channel is located within this development. Ground is owned by both  
104 the developer and Davis County. Direct access for property owners who own property along the  
105 channel will not be allowed. A fence will be required in the CCR's at the property owners  
106 expense.
- 107 • West Avenue will be renamed.

108 Todd Willey took the stand for questioning from the Commissioners:

109 **Alan Malan** inquired about the fencing along the canal which restricts property owners from using that  
110 portion of their property. Mr. Willey responded that the fence is for safety reasons and will be the

111 responsibility of the property owner; the restrictions will be contained in the CCR's. The fence will be  
112 solid and no access will be allowed into the area. Alan Malan feels that the property owner should be  
113 able to choose if they have access to the property or not. Chairman Hopkinson stated that the CCR's  
114 should be restrictive for safety reasons. Mr. Malan added that he would like to see sidewalks along both  
115 sides of the street at the main entrance.

116 **Laura Charchenko** asked about the location of the future road to the south for Mr. Williams. There was  
117 discussion about how access could be handled.

118 **Corey Sweat** likes the design of the subdivision.

119 **Mike Cottle** asked if the old sewer line will stay in place. Mr. Willey stated that they are in discussion on  
120 this issue at this time.

121 **Chairman Hopkinson** felt that most concerns have been mitigated and done well. He likes the six feet  
122 wide sidewalk.

123 **ACTION TAKEN:**

124 ***Corey Sweat moved to approve the Preliminary Plat for High Gate Estates at 1100 W 100 North. Alan***  
125 ***Malan seconded the motion and voting was unanimous in favor.***

126

127 **5. Consider Planned Unit Development for Kinross Estates at Porter Lane and 1100 West by Hamlet**  
128 **Homes.**

129 Commissioner packets included a memorandum from Ben White dated December 11, 2017 regarding  
130 Kinross Estates PUD application with site plans for both a traditional half acre subdivision layout and the  
131 proposed PUD.

132 Ben White stated that lot sizes were the major concern from the previous meeting. The developer has  
133 reconstructed his PUD plan and now there are 34 lots with the following dynamics: three lots 15,000 to  
134 20,000 sq. ft. in size, thirty lots between 20,000 - 40,000 sq. ft. and one remaining lot over 40,000 sq. ft.  
135 Mr. White gave a comparison of lot sizes in the abutting Olsen Farm development. Staff feels like there  
136 is value to the PUD over the traditional plan, but recommends that the storm detention basin be one  
137 owners responsibility and not shared across six lots.

138 **Mike Brodsky** took the stand and talked about the changes that have been made. He explained that his  
139 proposal to purchase some land to the south, as shown on the half acre design, was rejected by the  
140 property owner today so is no longer on the table.

141 Chairman Hopkinson asked for comments from commissioners.

142 **Laura Charchenko** approves of the new design and supports the detention basin issue that Mr. White  
143 proposes. She prefers the PUD option.

144 **Corey Sweat** likes the PUD design but would like to see the west side easement tightened up a bit.  
145 Some discussion took place in those regards. Commissioner Sweat asked about a turn around plan at  
146 the end of the dead-end road and Mr. White stated there will be temporary turnarounds on both dead-  
147 end roads.

148 **Mike Cottle** is pleased with the new design and appreciates all the work they have done to bring the  
149 subdivision to the City's liking. He asked about eliminating one additional lot to make the three smallest  
150 lots larger.

151 **Alan Malan** feels the plan is much better, but would like 1 lot removed on the South end. On the west  
152 side, he does not want all of the property lines moved to accommodate the detention basin but only  
153 those that are necessary to use for the actual detention basin.

154 **Chairman Hopkinson** feels there will be minimal changes at the City Council level.

155 **Kelly Enquist** inquired about buildable space on Lot 11. Mr. White responded that there is plenty of  
156 room and with some creativity there will be a great home built there.

157 **Mike Brodsky** noted every lot can accommodate a home 65 ft. wide by 55 ft. deep.

158 **ACTION TAKEN:**

159 ***Corey Sweat moved to recommend to the city council the PUD request from Hamlet Homes with the***  
160 ***following conditions: drainage be a firm condition of the CCR's, and lots on the west side be reduced***  
161 ***to exclude the power line easement in order to accept the detention basin on the northwest side.***

162 ***Laura Charchenko seconded the motion and voting was unanimous in favor with the following Roll***  
163 ***Call vote:***

164 ***Mike Cottle- Aye***

165 ***Corey Sweat-Aye***

166 ***Chairman Hopkinson-Aye***

167 ***Laura Charchenko-Aye***

168 ***Alan Malan-Aye***

169 Ben White noted that due to the holidays they will work closely with Mr. Brodsky to assure that all  
170 things are in order for this PUD to move ahead to the city council in January.

171 **6. Consider Conceptual Plat for West Yard Subdivision at Approximately 1200 North and 1410 West**  
172 **and Set a Public Hearing.**

173 Ben White explained the city is interested in obtaining some of the property owned by the Sewer  
174 District on 1200 North in order to move the Public Works west yard from Jessi's Meadow to that area.  
175 This constitutes a legal small lot subdivision and requires a public hearing. He shared a survey plat that  
176 shows Parcel 4 remaining with the Sewer District, and Parcel 2 and 3 purchased by the City with Parcel 2  
177 remaining in Davis County; the property will not be annexed in. A public hearing will be scheduled in  
178 January. Some discussion took place regarding curb, gutter and sidewalk and piping in the open ditch.

179 **ACTION TAKEN:**

180 ***Alan Malan moved to set a public hearing for January 9, 2017 for the West Yard Subdivision at 1200***  
181 ***North 1410 West. Laura Charchenko seconded the motion and voting was unanimous in favor.***

182 **7. Discuss Changes to Yard Regulations in Title 17, and Set Public Hearing.**

183 **Ben White** explained some of the issues in Title 17 regarding setback and side yards. Some of the  
184 language that was shortened in the previous revision has created language that can be misunderstood. .  
185 Mr. White and Mr. Doxey prepared a red-line copy of proposed changes for the Commissioners to  
186 ponder and review.

187 **Alan Malan** inquired about 2 c. "up to". Separate the street side yard from the regular side yard. Mr.  
188 Malan suggested to strike "Within" from the language.

189 **Mr. White** stated staff is anxious to get this cleaned up and approved.

190 **ACTION TAKEN:**

191 *Alan Malan moved to Set a public hearing for January 9, 2017 and Laura Charchenko seconded it and*  
192 *voting was unanimous in favor.*

193

194 **8. Staff Report**

195 **Ben White:** No report

196 **Cathy Brightwell:** As per earlier direction, no meeting will be held on December 26<sup>th</sup>. Next  
197 meeting set for January 9.

198

199 **9. Consider Approval of Minutes from November 28, 2017.**

200 **ACTION TAKEN:**

201 *Mike Cottle moved to approve of the minutes of the November 28, 2017 meeting as presented. Corey*  
202 *Sweat seconded the motion and voting was unanimous in favor.*

203

204 **10. Adjournment**

205 **ACTION TAKEN:**

206 *Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:45 p.m.*  
207 *Mike Cottle seconded the motion. Voting was unanimous in favor.*

208

209 .....

210

211 *The foregoing was approved by the West Bountiful City Planning Commission on January 9, 2017, by*  
212 *unanimous vote of all members present.*

213

214 \_\_\_\_\_

215 *Cathy Brightwell – City Recorder*

216

217