AMENDED

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A MEETING BEGINNING AT 7:30 PM ON TUESDAY, JANUARY 23, 2018 AT THE CITY OFFICES

Welcome. Prayer/Thought by Invitation

1. Accept agenda.
2. Consider Conditional Use Application from Justin Odekirk, 440 N 1100 West, for a garage twenty-three feet in height.
3. Consider Conditional Use Application from Robert Thornsbury, 2297 N 880 West, for a tool/storage shed less than ten feet from main structure.
4. Consider Conditional Use Application for Davis County for Mill Creek Sediment Basin Project.
5. Discuss Preliminary Plat for Kinross Estates at 1100 W and Porter Lane, and set public hearing.
6. Staff report.
7. Consider approval of minutes from January 9, 2018 meeting.
8. Adjourn.

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 22, 2018 by Cathy Brightwell, City Recorder.
Section 17.20.060.A requires a Conditional Use Permit for an accessory structure in the R-1-22 zone if it is more than one story or more than twenty feet tall. 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 propose conditions that mitigate the negative impacts.

The Odekirk’s would like to construct a single level 27’x46’ detached garage to house boats and RVs that require a taller than normal garage door. The garage walls are only 16 feet tall. A 6:12 roof pitch pushes the roof peak to nearly 23 feet.

The garage will be located in the southeast corner of the lot. These are large deep lots with the main structures already constructed.

The Planning Commission has heard similar applications in recent years. Size of property; proximity to other main structures; other accessory structures in the neighborhood; and surrounding land use are some of the criteria used to evaluate requests.

In addition to any conditions the Commission may find necessary, a motion needs to consider the following, pursuant to Section 17.60.040(D):

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use 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;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city’s general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.
CONDITIONAL USE PERMIT APPLICATION

PROPERTY ADDRESS: 440 N 1100 W
PARCEL NUMBER: ZONE: DATE OF APPLICATION: 01/16/18

Name of Business:
Applicant Name: Justin Odekirk
Applicant Address: 440 N 1100 W
Primary phone: 801-300-0753 Fax Number:
E-mail address: Justin31odekirk@yahoo.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.

Request to build 23 ft garage height with 14 ft tall garage door

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: 01/16/18 Applicant Signature: [Signature]

Application Received Date: 01/16/18 Permit Number: 18-001
Application Fee Received Date: 01/16/18 Permit Approval Date:

Revised March 2016
TO: Planning Commission  
DATE: January 19, 2018  
FROM: Ben White  
RE: Thornsbury-Accessory Building Conditional Use Permit  
2297 N 880 West

Mr. Thornsbury recently purchased a house on 880 West. He would like to construct an 8’x10’ shed to house garden equipment but has limited available space on this property. Besides the footprint of the existing house, nearly his entire property is restricted for construction. Due to a Dominion Energy Pipeline in his rear yard and the typical zoning setbacks, the only available building area is behind the garage and adjacent to the house.

Section 17.24.050.B requires a Conditional Use Permit for an accessory structure in the R-1-10 zone if it is less than ten feet from the main structure. Health and safety concerns as well as aesthetics are the principal purposes of this provision. If there are detrimental impacts due to the added height of the proposed structure, the Planning Commission should propose conditions that would mitigate the negative impacts.

Staff opinions include:
A. Because the structure is less than 200 sq. ft., a building permit is not required which would trigger other requirements. The size limit for the structure should be limited to less than 200 sq. ft.
B. Access and safety are a concern when two structures are close together. Staff suggests that the structure be constructed less than four inches (4”) from the house, or more than three feet (3’ from the house.
C. Clearance for the HVAC unit maintenance and access be maintained.
D. Minimum side yard setback requirements be maintained.

The Planning Commission must make affirmative findings pursuant to Chapter 17.60 Conditional Uses, considering the following:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use 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;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city’s general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.
CONDITIONAL USE PERMIT APPLICATION

PROPERTY ADDRESS: 2297 North 880 West, West Bountiful, Utah 84087

PARCEL NUMBER: ZONE: DATE OF APPLICATION: 12 January 2018

Name of Business: ____________________________

Applicant Name: Robert B Thomsbury

Applicant Address: 2297 North 880 West, West Bountiful, UT

Primary phone: 801 888-0272 Fax Number: ____________________________

E-mail address: robert.b.thomsbury.mail@mail.mail

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.

Requesting to build a tool storage shed on the southwest corner of the home. Shed would be 10 feet by 8 feet and 12 feet tall. The part of the home beside the trailer is a garage that is 10 feet wide. The space west of the garage measures 15 feet by by 10 feet (the unoccupied cutout). From the home corner to the fence measures 28 feet. (The cutout). From the corner of the home to the trailer measures 16 feet. Trailer (left) to fence measures 12 ft.

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: 12 Jan 2018 Applicant Signature: Robert B Thomsbury

Application Received Date: 1/16/18 Permit Number: 18-002
Application Fee Received Date: 1/18/18 Permit Approval Date:

Revised March 2016
MEMORANDUM

TO: Planning Commission
DATE: January 23, 2018
FROM: Ben White
RE: Davis County – Mill Creek Sediment Basin
      Conditional Use Permit

Davis County Public Works has the responsibility to maintain the large drainages through the City. These include Deuel, Stone and Barton Creeks that have been combined into the concrete channel around 1950 North. This channel is often referred to the DSB canal. Davis County also maintains Mill Creek that runs through the HollyFronteir refinery and the further west. Davis County has done a great job over the years maintaining those drainages and supporting the City’s public works staff.

Davis County plans to construct improvements within the Mill Creek channel to better collect sediment and debris. Too often County Public Works staff is out near the Great Salt Lake shoreline trying to remove debris and sediment that plugs the nearly flat drainage channel. The proposed basin will provide the more effective and efficient way to collect and dispose of drainage sediment.

The proposed basin is a 300 foot long basin with a cut off wall at the lower end. The cut off wall has a small opening to let the normal, low flows proceed unimpeded. Large flows, which carry the most debris, will back up the basin allowing the sediment time to “fall out”. The basin will be constructed with concrete walls about 4’ high and a rock lined slope above the concrete. There are no mechanical parts or lighting proposed with the basin.

As stated in the application, the County intends to clean the basin once or twice per years which I would expect to be during normal business hours. The channel is currently fenced with a six foot chain link fence which will remain in place following construction.

Staff does not foresee any long term negative impacts from the construction. Impacts to address could include:

- Normal hours of routine cleaning
- Security
- Tracking mud on 1100 West

The Planning Commission must make affirmative findings pursuant to Chapter 17.60 Conditional Uses, considering the following:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use 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;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city’s general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.
CON﻿DITIONAL USE PERMIT APPLICATION

PROPERTY ADDRESS: 23 North 1100 West, West Bountiful, UT 84087

PARCEL NUMBER: 06-034-0070 ZONE: A1 DATE OF APPLICATION: January 22, 2018

Name of Business: Davis County Government

Applicant Name: Davis County Government C/O Tony Thompson Property Manager

Applicant Address: P.O. Box 618, 61 South Main Street, Farmington, UT 84025

Primary phone: 801-451-3279 Fax Number: 801-451-3281

E-mail address: tony@daviscountyutah.gov

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.

Davis County Public Works is building a sediment basin on Mill Creek as part of its flood control operations. They will be widening 300 Linear feet of the channel to 90 feet wide. This will also include a ramp into the basin and a retaining wall around the perimeter. It is anticipated that the sediment will have to be removed once or twice a year with an excavator and then hauled off with dump trucks. Existing operations and maintenance require the use of similar equipment.

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. I understand the information on this application may be made available to the public upon request.

Date: 1/22/18 Applicant Signature:

FOR OFFICIAL USE ONLY

Application Received Date: 1/23/18 Permit Number: 18-003

Application Fee Received Date: NA Permit Approval Date: 

Fee: $20 Residential $50 Commercial

* Fee waived - swap

Revised May 2015
TO: Planning Commission

DATE: January 18, 2018

FROM: Ben White

RE: Kinross Estates PUD Preliminary Plat

The City Council approved the PUD application for Kinross Estates along with the accompanying Development Agreement in its January 16th meeting, as recommended by the Planning Commission. The approved Development Agreement, together with Title 16 and 17, become the subdivision and zoning codes as the City now reviews that subdivision plat. The three largest deviations included in the Development Agreement are:

1. Varying lot sizes with some of the lots smaller than 0.5 acres;
2. A dead end street that exceeds the city standard; and
3. Deed restrictions on certain lots until environmental issues are resolved.

The City’s PUD code dictates that once any proposed PUD Overlay is approved, both the review and approval of the subdivision preliminary and final plat are delegated to the Planning Commission. For Kinross Estates, that means the City Council will not see/approve the final plat.

A public hearing is required prior to the Planning Commission making a recommendation for the preliminary plat. Staff is suggesting the hearing be held on February 13th.
Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 9, 2018 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Acting Chairman Mike Cottle, Alan Malan, Laura Charchenko, Corey Sweat, and Council member Kelly Enquist

MEMBERS ABSENT: Chairman Denis Hopkinson

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

VISITORS: Dennis and Melanie Vest, Trent Vest, Brady Tracy, Gary Jacketta, Steve Maughan, Neal Hamilton, Jay Gough, Todd Willey

The regular Planning Commission Meeting was called to order at 7:30 pm by Mike Cottle. Laura Charchenko offered a prayer.

1. Accept Agenda

Mike Cottle reviewed the agenda. Corey Sweat moved to accept the agenda as presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among members present.

2. Public Hearing to Receive Comments for the West Yard Subdivision consisting of 11.22 acres at approximately 1410 W 1200 North

ACTION TAKEN:

Corey Sweat moved to open the public hearing at 7:33 pm to receive comments for the West Yard Subdivision consisting of 11.22 acres at approximately 1410 W 1200 North. Alan Malan seconded the motion and voting was unanimous in favor of members present.

Ben White introduced and explained the history behind the property. Mr. White pointed out that the Sewer District is located on the west side of Legacy Highway and also owns some property on the east side. The Sewer District has agreed to sell parcels #2 and #3 to West Bountiful City. Parcel 4 will still be owned by the Sewer District. The City desires to divide Lot 3 which will create a small lot subdivision. The property will be used by the City to construct a new public works facility.
Public Comment:

No Public Comment

ACTION TAKEN:

Corey Sweat Moved to close the public hearing at 7:35 pm. Laura Charchenko seconded the motion and voting was unanimous in favor.

3. Consider Final Approval for West Yard Subdivision at Approximately 1410 West 1200 North

Commissioner packets included a memorandum dated January 4, 2018 from Ben White regarding the new West Yard Subdivision with attached Land Use Authority’s Certification of Written Approval of Small Subdivision with a plat and a site plan.

West Bountiful City desires to purchase 5.37 acres of parcel 3, plus 0.33 acres parcel 2 of unincorporated Davis County to build a new public works facility. Because we are the ones wanting to subdivide we are the applicant instead of the Sewer District.

Alan Malan recommended curb, gutter and sidewalk be part of the improvements to continue from the Legacy Trailhead access parking lot.

Laura Charchenko asked if the property would need to be rezoned. Ben White explained that utilities and government entities have privileges to build within the zone.

Mike Cottle did not see the benefit of requiring curb, gutter and sidewalk; Laura Charchenko concurred.

Kelly Enquist felt there needed to be a deferral agreement on the curb, gutter and sidewalk.

Denis Vest recommended a wide path for horses and walkway and feels that they may be would not want to lock into a plan right away.

ACTION TAKEN:

Corey Sweat moved to give final approval for the West Yard small lot subdivision located at 1410 W 1200 North with the recommendation to City Council to consider requiring curb, gutter and sidewalk in that area. Alan Malan seconded the motion and voting was unanimous in favor.

Roll Call Vote:

Mike Cottle – Nay
Alan Malan- Aye
Corey Sweat – Aye
Laura Charchenko- Aye
4. **Public Hearing to Receive Comments on Proposed Changes to Yard Regulations in Title 17.**

Ben White introduced the changes made to the Title 17 Yard Regulations and explained the need to make changes. He pointed out that in the current document, some terms and language are unclear. Mr. White reviewed the suggested changes included in their packets. He stated no structural changes have been made to the document other than clarifying language.

**ACTION TAKEN:**

Laura Charchenko moved to open the public hearing at 7:49 pm to Receive Comments on Proposed Changes to Yard Regulations in Title 17. Corey Sweat seconded the motion and voting was unanimous in favor.

**Public Comment:**

No Public Comment was made.

**ACTION TAKEN:**

Corey Sweat moved to close the public hearing at 7:50 pm. Alan Malan seconded the motion and voting was unanimous in favor.

5. **Consider Changes to Yard Regulations in Title 17**

Commissioner packets included a memorandum from Ben White dated January 5, 2018. Clarifying language is proposed to better identify factors in required setback for main and accessory building structures. There is also a proposed change to clarify what setbacks can and cannot be modified by a Conditional Use Permit.

Corey Sweat inquired about 3.c. and felt the language could be made clearer; he suggested striking “from the front lot line.” Mr. White will talk with legal counsel. Laura Charchenko is also concerned with this same language.

Steve Maughan inquired if the new document allows a small accessory building on the side lot. Mr. White answered to the affirmative.

Alan Malan inquired about the definitions of “yard” being redundant. Ben White explained that listing them as they are will allow the definitions to stay in line within the “Yard” section. Alan Malan feels it is important to include the diagram of the yard area in the Code to help explain the language. Staff will see if it is possible. Mr. Malan also inquired about A.2. and felt the language reads strange. He pointed out that A.3.B. is a duplication of A.3.D. and should be deleted.

Mike Cottle feels the changes are appropriate and support the changes.

**ACTION TAKEN:**

Corey Sweat moved to approve the proposed changes to the Yard Regulations in Title 17 as discussed, including removing A.3.B and including a diagram in the Code and forward to City Council for final approval. Alan Malan seconded the motion and voting was unanimous in favor.
6. Consider Final Plat for High Gate Estates at 1100 West and 100 North

Ben White introduced the layout for the High Gate Estates and pointed out some of the unique features of the development. He noted that Parcel A is ½ acre and is located in the B/U zone with all other lots being 1 acre in the A-1 residential zone. He explained that the sidewalk along the northside of the entrance road will be 6 feet wide. The Sewer District has agreed to construct the sewer line ½ mile west of the development at their cost. A Holly Frontier waste line runs through the development and the Sewer district will work with Holly to release the easement and make that line obsolete. Some discussion took place in these regards.

Corey Sweat asked Steve Maughan if he was comfortable with the discharge into the canal between Lots 1 and 2. Ben White pointed out that plan has been changed and moved onto Lot 26 and 27. Steve Maughan likes that change.

Alan Malan had no further comments except to make sure the fire hydrants and street lights are in their proper placement.

Mike Cottle asked if the fire marshal needs access to Lot 26 and 27. Ben White explained the necessary requirements and pointed out that the criteria can change depending on where the house is placed on the property. He asked about fencing the canal and the developer responded that fencing will be required in the CCR’s.

ACTION TAKEN:

Alan Malan moved to approve the final plat for High Gate Estates at 1100 West and 100 North. Laura Charchenko seconded the motion and voting was unanimous in favor.

7. Staff Report

Ben White:

- State Legislature is proposing to make changes to law regarding Conditional Use Permits that may make them more difficult to issue. We may have to be more specific in giving direction and may very likely lose latitude.
- Possible annexation application for the Equestrian Center area.

Cathy Brightwell:

- Disclosure statements will be included in their folders and they will need to be signed and returned to her by next meeting.

8. Consider Approval of Minutes from December 12, 2017.

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes of the December 12, 2017 meeting as presented. Alan Malan seconded the motion and voting was unanimous in favor.
9. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:20 p.m. Laura Charchenko seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on January 23, 2018, by unanimous vote of all members present.

______________________________
Cathy Brightwell – City Recorder