

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A MEETING BEGINNING AT 7:30 PM ON TUESDAY, MARCH 13, 2018 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept agenda.
2. Public Hearing for Proposed Subdivision, Bountiful Pastures, at approximately 2000 North 1100 West.
3. Review Permitted and Conditional Uses by Zone.
4. Staff report.
5. Consider approval of minutes from February 27, 2018 meeting.
6. 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 March 9, 2018 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission**

March 13, 2018

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and on the West Bountiful City website on March 9, 2018 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 13, 2018 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Corey Sweat, Alan Malan, Mike Cottle, Laura Charchenko, and Dennis Vest (alternate).

MEMBERS EXCUSED: Council member Kelly Enquist

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

VISITORS: Gary Jacketta

The Planning Commission Meeting was called to order at 7:30 pm by Chairman Hopkinson. Dennis Vest offered a prayer.

1. Accept Agenda

Chairman Hopkinson welcomed Dennis Vest as the new alternate member to the Planning Commission. Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among members present.

2. Public Hearing for Proposed Subdivision, Bountiful Pasture, at approximately 2000 North 1100 West

Commissioners received a Memorandum from Ben White dated March 9, 2018 regarding Bountiful Pastures. The memorandum included the following information:

- Bountiful Pasture, LLC has accepted an offer from Ironwood Development to purchase 23.68 acres of land that is located north of the DSB canal at approximately 2000 North and running east and west from the D&RG right of way to 1100 West street.
- This area borders the north side of the new Kinross Subdivision

- Property is in the R-1-22 zone which is ½ acre zone. There will be approximately 35 lots that meet both the minimum size and frontage requirements of the zone.
- The development will only be possible if the Kinross development moved forward due to the 1000 ft maximum limit of a dead-end street.
- Preliminary plat is pending and the hearing tonight is for the public to give input on that plat.

Special Note:

The developer notified staff today that they have decided to cancel their purchase agreement on this property. However, as the public hearing has been formally noticed, it will be held.

ACTION TAKEN:

Corey Sweat moved open the Public Hearing for Proposed Subdivision, Bountiful Pasture, at approximately 2000 North 1100 West at 7:35 pm for public comment. Mike Cottle seconded the motion and voting was unanimous in favor.

PUBLIC COMMENTS:

There was no Public Comment

ACTION TAKEN:

Laura Charchenko moved close the Public Hearing for Proposed Subdivision, Bountiful Pasture, at approximately 2000 North 1100 West at 7:36 pm for public comment. Alan Malan seconded the motion and voting was unanimous in favor.

3. Review Permitted and Conditional Uses by Zone

Commissioners packet included a memorandum from Ben White dated March 9, 2018 reviewing Uses by Zone with attached documents that had suggested changes.

Chairman Hopkinson noted that there are some vulnerable spots in our current code that need to have new language. Ben White introduced the proposal regarding Conditional Uses which he stated are becoming more difficult to deny with recent legislative changes. He said the goal is to move more uses from conditional to permitted by including the requirements and definitions into our zoning code. Mr. White gave examples of some of the areas that need immediate attention. Equestrian, Daycare and Kennels are examples of conditional uses but are not identified as home occupations. Staff is suggesting that these be limited to home occupations and conditions be added into Code. Because these also have commercial uses, he believes it is important to clarify that they are home occupations sooner than later.

Mike Cottle asked if the legislature has stopped cities from using conditional use permits. Ben White stated that they have not stopped them but have put a lot of restrictions on doing so.

Chairman Hopkinson further explained that there may be mitigated items in each permit. It is important for us to change the language and definitions to be more restrictive in nature.

Corey Sweat gave an example of the proposed equestrian center that recently asked to include a retail store. He noted how easy it is for the permit holder to violate the conditions placed on the business and asked if there are ways to monitor.

Cathy Brightwell informed the Commissioners that there are currently approximately 250 home occupations in West Bountiful. She stated if they meet the requirements of the Home Occupation ordinance they are fine to do business. If a complaint is issued, the City can take away their license to do business. Ben White noted that it is the impact to the neighborhood not the business that needs to be regulated.

Ben White referred to a document (given to each Commissioner) he prepared to help review each area with some suggestions as to what could be done to change the current language. Some discussion took place regarding those items. At a minimum, he would like to address the more urgent areas like Equestrian facilities, Commercial Stables, Child day care or Nursery, and Kennels moving them from Conditional Uses to Home Occupation permit. He would like to begin with having a Public Hearing in the next 30 days.

Alan Malan shared his opinion that Kennel and Equestrian facilities should not need a Home Occupation permit to do business.

Mike Cottle stated the more black and white the language is the better off the City will be.

Dennis Vest inquired about the Nursery located on Pages Lane. Ben White informed him that they are outside of West Bountiful limits and will be permitted to continue that business on a grandfathered basis if they are ever annexed into the City.

Chairman Hopkinson emphasized that it is important to tidy up all definitions. He is concerned about the lack of definitions and restrictions for the elderly and rehabilitation facilities. Ben White noted that there is existing language in our code for these, but these types of businesses are protected by federal and state law, although we may want to revisit some of that in the near future.

Ben and Cathy invited the Commission to share their ideas and concerns

Mike Cottle requested a list of Home Occupation businesses, so he can get a better understanding of what our City consists of with Home Occupation businesses.

Dennis Vest asked why we stopped collecting fees for Home Occupation businesses. Cathy Brightwell explained that the legislature changed the law prohibiting cities from collecting fees from home businesses that do not impact the surrounding neighborhood. Because it could be difficult to differentiate home businesses that do not impact neighborhoods from those that do, like daycares, Council decided to exempt all home businesses from the fee. The Home Occupation fee was only \$20.00/year and they felt it took more staff time to identify, collect and process those funds than it was worth.

Staff will put together some language and definitions for further discussion. Chairman Hopkinson noted that the City Council will play a part in this procedure as well.

4. Staff report

Ben White:

- Holly had a pipe rupture this morning which resulted in a fire and oil spitting out on surrounding property. This took place about 2:00 am and they are in the process of cleaning it up for residents.
- City Council enacted a temporary moratorium for new subdivision applications due to some weak language in the Code related to secondary water requirements. He informed them that language will come forth quickly for them to review.
- Kinross will probably be coming back to us in the next month for final plat approval. He reminded them that this is the last stop for them as city council has already approved the PUD development agreement. High Gate Estates is hoping to be ready for final plat approval by city council soon.

Cathy Brightwell:

- Will be scheduling URRMA training for an upcoming meeting and she will send Land Use training information out when it is available so they can register if they so desire. .

5. Consider Approval of Minutes from February 27, 2018.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the February 27, 2018 meeting as presented. Alan Malan seconded the motion and voting was unanimous in favor.

6. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:13 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on March 27, 2018 by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

