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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 27, 2018 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept agenda.
2. Consider Conditional Use Application from Kyle Paget at 600 W 1000 North for a Detached Garage that is More Than Twenty Feet Tall.
3. Consider Final Plat Approval for Kinross Estates at the corner of 1100 West and Porter Lane.
4. Discuss Moratorium on Subdivisions and Secondary Water.
5. Review Permitted and Conditional Uses by Zone.
 - a. Kennels
 - b. Model Homes
 - c. Equestrian/Boarding Facilities
6. Staff report.
7. Consider approval of minutes from March 13, 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 March 23, 2018 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission**

March 27, 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 23, 2018 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 27, 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, Dee Vest (alternate) and Council member Kelly Enquist

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

VISITORS: Kyle and Amy Paget, Gary Jacketta, Zach and Mike Brodsky, Chris and Rob Jensen.

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

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor among all members.

2. Consider Conditional Use Application from Kyle Paget at 600 West 1000 North for a Detached Garage That Is More Than Twenty Feet Tall.

Commissioners received a Memorandum from Ben White dated March 20, 2018 regarding Paget-Accessory Building Conditional Use Permit 600 West 1000 North with an attached aerial view of the neighborhood and a site plan for the accessory building. The memorandum included the following information:

- The need for a Conditional Use Permit for an accessory structure in the R-1-22 zone because the proposed dwelling is more than twenty feet tall. A Conditional Use Permit would satisfy the applicants request according to City Code 17.24.060.
- The building will be 30'x 40' detached garage with a second level built into the 10:12 roof trusses. The overall height will be 23'7".
- A list of site specific issues to consider were listed by Staff and included the following

items: surrounding houses are as high as 23'7" tall and there are accessory buildings just north of Paget's property, surrounding properties are approximately ¼ acre which places the dwelling closer to other main structures, the second story has windows, the second story is possible due to a steep roof pitch which is similar to the roof pitch of the house, staff has received complaints about the lighting on second story levels of other accessory structures.

Ben White showed an aerial and street view of the Paget Property and explained the desire of the Paget's to build a tall accessory building that has a second story in the trusses of the building. There are windows on the upstairs level. Mr. White explained that we frequently see applications for taller buildings but they are in areas that are not as close in proximity to other homes in the area. He pointed out that there are other tall buildings in this area, so this may not be an issue. He gave an example of a complaint that they received regarding lighting in these taller buildings.

Chairman Hopkinson invited the Paget's to the stand to answer questions from the Commission.

Commissioners Comments:

Alan Malan asked if there is a rear window in the second story. He noted that in the past they have required frosted windows for the neighbor's privacy.

Laura Charchenko asked how tall the other surrounding accessory buildings are in the area. Ben White answered about 20 feet. Some discussion took place regarding how this building would affect the surrounding properties. Commissioner Charchenko reminded the Pagets that they would not be able to make living space in this dwelling.

Dee Vest asked if sewer or water will be included in the structure. Kyle responded that there will be only electricity in the building.

Chairman Hopkinson asked where the exact location will be for the building and if the driveway will run in conjunction to the existing one. Mr. Paget responded that the building will be in the back of the property and the existing driveway will remain in place.

ACTION TAKEN:

Corey Sweat moved to accept the Conditional Use Permit for the Paget Accessory Building at 600 West 1000 North with the following affirmative findings: 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 community; 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; will not inordinately impact schools, utilities, and streets; 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; will comply with the regulations and conditions specified in the land use ordinance for such us; will conform to the intent of the city's general plan; 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 and with the following conditions that the rear window on the second story be frosted and the dwelling will not exceed 24 feet. Laura Charchenko seconded the motion and voting was unanimous in favor.

3. Consider Final Plat Approval for Kinross Estates at the Corner of 1100 West and Porter Lane

Commissioners packet included a memorandum from Ben White dated March 23, 2018 regarding Kinross Estates PUD Final Plat Consideration with an attached plat.

The memorandum included the following information:

- The PUD application for Kinross Estates along with the accompanying Development Agreement was passed by the City Council on January 16, 2018 as recommended by the Planning Commission.
- Approved Development, together with Title 16 and 17 become the subdivision and zoning codes as the City reviews the subdivision plat.
- Deviations for the Development Agreement are varying lot sizes with some lots smaller than 0.5 acres, a dead-end road that exceeds city standard, and deed restrictions on certain lots until environmental issues are resolved.

City Council is considering an amendment to the development agreement during the March 26th meeting which will include: clarification to house design standards, model home construction criteria, waiving a road cut moratorium on 1100 West which will allow the developer to bring in secondary water infrastructure to the site, and a new drainage plan that routes the storm drain piping around lots in the street to the detention basin instead of between lots.

The memorandum included other items for Final Plat consideration for the development which included items concerning open space use, right of way widths and street crossing sections, curb and gutter location and construction, construction of park strip (no park strip will be constructed on Porter Lane and 1100 West if homes are not located there, Developer will contribute \$10,000 for future removal of a temporary turnaround on the south street stub, turn around on the east side on the project will remain permanent, no building permits allowed on lots 7,8,9, and 10 until environmental clean up is complete, street lighting, culinary and secondary water, as well as sanitary sewer lines are consistent with general design guidelines, existing sanitary sewer lift will require the relocation of control panels and electrical services in order to accommodate curb and sidewalk, an existing well on the property will be abandoned, preliminary title report is available for review at City Hall, along with the geotechnical study, wetland delineation, environmental reports and project CCR's.

Ben White updated the Commission regarding the stages this application has been through and some brief details and highlights from his memorandum. He informed the Commission that last

night the City Council altered the storm drain and house design standards. In regard to secondary water, Mr. White told the Commissioners that Weber Basin does not have the adequate pipes for the development so Hamlet will have to run them from another existing area which is from Pages Lane along 1100 West into the Kinross Development. This causes the need to cut into a two-year old road for which the City Council granted them a waiver from the moratorium to cut into new roads.

Chairman Hopkinson invited the Commissioners to make comments or ask questions and stated that he feels this has been a great process and is assured all the I's are dotted and T's are crossed concerning this subdivision.

Commissioner Comments:

Alan Malan asked about the detention basin - Ben White informed them that the basin has been extended with the change of the new drainage plan. There will also be a second detention basin on the south side of the property which is a win for the City.

Dee Vest asked if the Weber pipes will be able to accommodate a future subdivision to the South that may be developed in the near future. Ben White answered to the affirmative.

ACTION TAKEN:

Alan Malan moved to approve the final plat for Kinross Estates with the following to be completed prior to the recording of the plat: record the CCR's and Open Space Agreement together with the plat, storm water impact fees and inspection fees must be paid, appropriate improvement bonds must be posted, water rights need to be deeded to the City or a payment in kind be made, off-site irrigation design must be approved by Weber Basin and the necessary minor clarifications on the engineering drawings need to be made. Corey Sweat seconded the motion and voting was unanimous in favor among all members.

4. Discuss Moratorium on Subdivisions and Secondary Water

Commissioner packet included a memorandum dated March 23, 2017 from Ben White regarding Moratorium- Subdivision and Secondary Water. The memorandum included the following information:

- City Council recently imposed a six-month moratorium on new subdivision applications while the City reviews the requirements for new development providing secondary water for irrigation.
- Suggested language to be inserted into 16.20.020

Ben White told the Commission that City staff has been working under the assumption that secondary water would be part of subdivision development. He would like language to be much clearer in our City Code that would state without question that secondary water be required in all new developments. Some discussion took place when Mike Cottle asked about how we can require the secondary water if there are no resources for the water. Ben White explained that they will be required to go after the closest secondary pipes. Mr. White further explained that

there are just a few such properties that do not have hook-ups nearby. He suggested some language in his memorandum to be inserted into the Public Improvements section 16.20.020 of City Code and asked for comments from the Commissioners.

The following language was suggested:

Secondary water for the purpose of irrigation shall be made available to each lot in all residential subdivisions. The City Council may require nonresidential subdivisions to provide secondary water. Construction of secondary water facilities shall be subject to the approval of the appropriate pressure irrigation district including the size of service connections. Valves shall be located sufficient for adequate control of service areas. The subdivider will be required, at its own expense, to construct all required off site facilities to connect to existing secondary water district facilities. The applicable fees shall be paid to the secondary water district prior to their approval of the final plat.

Commissioner Comments:

Alan Malan asked to change language to include “must be” made available in the first sentence. and to take out the word “pressure” in the language in the second sentence. Some discussion took place regarding the secondary system needing to be pressurized. The word “pressurized” was chosen to replace “pressure”.

Laura Charchenko asked if our Commercial District has secondary water and do they need to be included. Chairman Hopkinson expressed his opinion that they would need to be included in this requirement.

Corey Sweat agreed that the language needed to be black and white and suggested to use “requires” and remove “may” in the second sentence.

Mike Cottle asked if we are being redundant in sentence one and two. Ben White pointed out that there are two types of subdivisions (residential and non- residential).

Dee Vest asked if small lot subdivisions are included in this amended language. Ben White informed him that they would be.

Chairman Hopkinson asked if there is another quadrant in our City with pipes that are not close to Weber hook-ups. Mr. White pointed out two such areas in our City. He noted that High Gate has had to run pipes quite a distance to provide for the secondary water source in their subdivision. Chairman Hopkinson suggested that there could be a Special District created in order to cover the high cost of running the pipes if necessary.

Denis Hopkinson asked about drainage along the Legacy Pkwy and Trail and if there will be cross pipes to enhance the drainage process. Ben White explained how they plan on taking care of this situation.

5. Review Permitted and Conditional Uses by Zone

Commissioner packet included a memorandum dated March 27, 2018 from Ben White and Cathy Brightwell regarding Review of Uses by Zones. Attached to the memorandum were suggested modifications for permitted and conditional uses for each residential zone regarding Equestrian facilities, Child Day Care, and Kennels.

Ben White introduced the information to the Commission. He explained that it is Staff's desire to modify language immediately into the current zoning code to eliminate potential problems with these three uses which do not currently require Conditional Use Permits. Staff is hopeful that by adding a cite to conditional uses for each of these three items, potential problems can be avoided until a more in depth look at definitions, etc. can be completed

Mr. White presented the information he provided in the packet to the Commission. In addition to establishing criteria for each use, definitions will need to be drafted and language clarified and moved to the necessary section of City Code. Ben White pointed out that item seven in the Model Home section sounds harsh, but is needed, in order to impose conditions if they are violated. Chairman Hopkinson wanted a size included for signage or at least, reference the code to where the information is found. In addition, Staff would like to have language clarified as to what listed uses are limited to Home Occupation businesses

Mr. White pulled language from other Cities to come up with the language suggestions before them. Each suggested item was reviewed under the Commercial Equestrian and Boarding Facilities. Reference to where more requirements are listed in our code will be included in each of these sections. He informed the Commission that storm water quality has not existed in agriculture properties, so he has added this language. Mr. Hopkinson mentioned that it could get a bit tough to regulate the fugitive dust issue of not leaving the property. Some discussion took place regarding this language and how to define the agricultural zone. A-1 should be a primarily agriculture zone with agricultural uses and tendencies; residential is secondary. Should there be bridge language among the residential, commercial and agricultural zones? Chairman Hopkinson does not feel there is a place in the language for any commercialization in agriculture zones.

Commissioner Comments:

Alan Malan stated that no retail goods can be sold but services like riding lessons etc. should be allowed.

Laura Charchenko feels that these definitions are getting into some gray area.

Corey Sweat feels that any lawyer would have issues with violating rights to fulfill the rights of the allowed business in a zone.

Mike Cottle and Dee Vest agree that it could be difficult to regulate this. Council member Enquist asked what the definitions would be in this Commercial/Agriculture zoning.

Chairman Hopkinson asked why we would want to move this language. Mr. White responded that currently the code has no language in this regard. Language needs to be drafted so it is in our code and is a requirement to be enforced so we don't end up with someone putting a commercial kennel or commercial day care in the middle of a residential zone. This effort is necessary because State Land Use Codes are restricting cities ability to impose restrictions on conditional uses.

Chairman Hopkinson pointed out some things he would like citizens to be able to do without government regulations. He stated that we need to ask ourselves what would be the best way to move forward to satisfy the City's needs and give the freedom to residents so they can continue to do things like sell pumpkins, hay, etc. Some discussion took place as to where the lines should be as far as regulations. Staff would like to have minimum criteria to meet before diving further into the City Code.

Kennels were discussed. The posing question here is whether or not it would be a Commercial Use, Home Occupation, or both.

Laura Charchenko pointed out that with a Home Occupation you cannot use anyone other than family to help with the business as there is a restriction on outside employees.

Ben White reviewed and explained all the suggestions of language under the Kennel sections. The suggestion from Staff was that Kennels be a Home Occupation use.

Dee Vest feels this will be a very difficult thing to tackle. He would like to see a smaller footprint to address. He would like to give residents freedom but expect them to be responsible animal owners.

Ben White noted that the point system will guide the regulations.

Cathy Brightwell pointed out an example in the R-1-10 zone where a kennel is in business. Our Home Occupation ordinance requires that it does not adversely affect the neighborhood.

Mike Cottle suggested that using this language will control 80% of the problems. He enjoys West Bountiful and does not want to see it change.

Corey Sweat can do without all the regulations and feels the Home Occupation regulations will take care of most issues that arise.

Laura Charchenko does not like the Home Occupation regulation that will not permit employees other than family members. She would like to see some allowances so that help outside the family can be hired to meet some of the community needs that exist.

Chairman Hopkinson stated that to remain a rural community some language needs to be added that will allow for the definitions in the Agricultural area which will vary from that in smaller zones.

Alan Malan agrees with Laura Charchenko regarding the Home Occupation in an Agricultural Zone. He can see regulating the conditions according to how much land is involved.

Chairman Hopkinson reminded the Commissioners that they put the definitions in place and it is their responsibility to make sure it flows with code. Staff will bring suggestions to them, but they need to give their suggestions to Staff as well.

Ben White stated that a Public Hearing is scheduled for next meeting. Some discussion took place among the Commissioners feeling that they are not yet ready for public comment.

6. Staff Report

Ben White:

- High Gate subdivision was granted final approval from City Council last night. Holly Corp will possibly abandon the line through High Gate development.
- City Council requested Staff to give the Commission a charge, per Councilmember Ahlstrom's request, to address the why's of how they came up with the setback and side yard regulations. In addition, they would like them to address the carport issues in the City. Mr. White invited the Commission to visit all the neighborhoods in the city and make note of what they like and don't like in each area.

Cathy Brightwell:

- Ms. Brightwell informed them that a Public Hearing for language change is scheduled for the next meeting. Chairman Hopkinson requested the Hearing be canceled since they have not had time to review the issues properly. She asked for clarification as to what they want to be brought before them. The Commission was charged to send Staff their ideas and comments.
- Cathy reiterated the items Ben spoke of that the City Council want reviewed and informed them that the City is hiring a Consultant to review our City's Land Use Code. She noted that it is also time to do an update on the General Plan. Chairman Hopkinson requested the Staff try to use the same company they used last time.
- On June 26th the chambers will be in use for Primary Election voting so there will no Planning Commission meeting held that evening. Chairman Hopkinson would like to reschedule that meeting if there is business that needs to be discussed.
- URMMA risk management/land use training will be coming forth at the next meeting.
- Ms. Brightwell provided a Home Occupation list as previously requested.

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

ACTION TAKEN:

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

8. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:25 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

