Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use application from Kendall Smith for a garage that is less than ten feet from his home.
3. Discuss final plat application for Mountain View Estates at 1950 North 1100 West.
4. Staff report.
5. Consider approval of minutes from June 12, 2018 meeting.
6. 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 July 6, 2018 by Cathy Brightwell, City Recorder.
MEMORANDUM

TO: Planning Commission
DATE: July 6, 2018
FROM: Ben White
RE: Smith-Accessory Building Conditional Use Permit
952 W 1850 North

Mr. Smith desires to construct a 34’ deep garage on the northwest corner of his property. The request is to encroach into the required minimum ten-foot separation between main and accessory structures. Last fall, Mr. Smith successfully petitioned the city council to remove an easement along the west property line. With the easement vacated, a garage can be constructed which lines up with the existing driveway.

There is a ten-foot public utility easement along the north boundary of the property. In order to construct the requested garage, a section of the garage must be closer than ten feet to the house.

Municipal code section 17.20.050.D allows the planning commission to consider accessory structures closer than ten feet to the main structure. Some site-specific issues to consider include:

- A. A four-foot section of the accessory structure will be 6 feet from the house.
- B. The remaining portion of the garage next to the home will meet the ten-foot setback
- C. Access around the west side of the garage will be essentially impossible. The garage is proposed to set three feet off the property line.
- D. The fire department deferred to the building code for placement of the structure.
- E. The building code requires both structures to be fire rated when there is less than a ten-foot separation.
- F. The east side of the house has reasonable access into the rear yard. There is one tree which may restrict access and a fence along the rear of the house.

As stated in Section 17.60.040(D), a motion needs to consider 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.
PROPERTY ADDRESS: 952 W. 1850 N

PARCEL NUMBER: ZONE: DATE OF APPLICATION: 6/8/18

Name of Business:

Applicant Name: Kendall Smith
Applicant Address: 952 W. 1850 N. W. Bountiful, UT 84087
Primary phone: 801.860.1543 Fax Number:
E-mail address: kendall.e.hughesye.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.

I would like to build a garage that is 34' deep on the north west corner of my lot which puts it 6' from my house instead of the required 10'

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: 6/8/18 Applicant Signature: Kendall

FOR OFFICIAL USE ONLY

Application Received Date: 6/8/18 Permit Number:
Application Fee Received Date: 6/8/18 Fire Inspection Date: NA
Permit Approval:
MEMORANDUM

TO: Planning Commission
DATE: June 7, 2018
FROM: Ben White
RE: Mountain View Subdivision – Final Plat

DEV Group, LLC is proposing a 42-lot subdivision at approximately 2000 North east of 1100 West. The property contains 26.70 acres and extends from 1100 West to the Prospector Trail right of way.

The property is within the R-1-22 (half acre zone). The concept plan includes 42 lots that appear to meet the minimum size requirement for the zone. Below is summary of points of interest. Some have been resolved and some still need to be addressed.

1. **Overhead and underground easements need to be better defined.** Their locations are shown on the plat, but the easement widths and restrictions need to be identified.
2. The connections to the Kinross development reduce the northeasterly dead-end street to just under 1000 feet. This project is feasible only if the Kinross development moves forward. The Kinross plat has been recorded. The improvement drawings do not extend beyond the proposed development boundary like they traditionally do. It is difficult for the engineering to survey and show something that is not built yet.
3. No park strip is proposed along 1100 West like the Kinross development. Is that appropriate and desirable here?
4. Verify that the street corner radii meet city standard. Street radii meet city standards.
5. **Trail connection was included with the preliminary plat, but is not included on the final plat.** Is this an important item? A trail connection would need approval from Davis County.
6. A temporary turnaround is included on the northeast dead-end.
7. Storm water pipe design is acceptable with some minor changes including rear yard drains. **Written approval from Kinross is required for release of storm water into their detention basin.**
8. Street lights are included at intersections and at periodic spacing throughout the development.
9. A fire hydrant spacing meets city criteria.
10. The northeast end of the road drainage is acceptable following some revisions to the street and curb elevations.
11. Rear yard drains are required and included on most lots. Rear drains need to be added to 120, 121, 135 and 137.
12. The developer has a tentative agreement with Hamlet Homes to provide secondary water to the development. An executed agreement needs to be provided.
13. An existing on-site well to be properly abandoned is identified.
14. Staff has a geotechnical report for the development.
15. A list of water rights associated with the development has been provided.
16. A preliminary title report has been provided. Review by the city attorney prior to recording will be required.
17. Other minor corrections to the improvement drawings.
18. Final plat fee has been paid
19. Payment of impact and other fees prior to recording.
20. Approval of improvement drawings by Weber Basin and South Davis Sewer prior to commencing utility installation.
21. MC Green has apparently been awarded a contract to do some preliminary grading. Most of the roads in the subdivision will be elevated two to six feet above the existing ground elevation. They started grubbing the site in preparation of grading last Friday.

Staff is not recommending approval until the items identified with bold type have been adequately addressed.
BUILD-OUT OF THE INTENDED IMPROVEMENTS.

C1

GENERAL NOTES

1. ANY AND ALL INFORMATION IN THESE PLANS ARE BASED ON THE ENGINEERS' INTERPRETATION PRIOR TO COMMENCEMENT OF CONSTRUCTION.

2. ALL CONTRACTORS SHALL ADHERE TO WEST BOUNTIFUL'S STANDARD PLANS AND SPECIFICATIONS.

3. ALL UTILITIES AND ROADWAY INFORMATION SHOWN ON THE PLANS SHOULDN'T BE CONSIDERED TO BE COMPLETE OR INDEFINITELY CORRECT. THE CONTRACTOR SHOULD VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE INFORMATION ILLUSTRATED ON THE APPROVED CONSTRUCTION SET.

ENGINEER'S NOTES TO CONTRACTOR

1. CONTRACTOR AGREES THAT ANY SMALL ERROR OR OMISSION IS COMPLETELY tolerant BY THE CONTRACTOR. SPOT ELEVATIONS AND PROFILE ELEVATIONS SHOWN IN THE DESIGN DRAWINGS GOVERN THIS DRAWING. DRAWINGS MAY BE OVERLOOKED DUE TO THE SMALL SIZE OF THE DRAWING.

2. THIS DRAWING SET IS SCALED TO BE PRINTED ON A 24" X 36" SIZE OF PAPER (ARCH. D). IF PRINTED ON A SMALLER PAPER SIZE, THE DRAWING WILL NOT BE TO SCALE AND SHOULD NOT BE USED TO SCALE MEASUREMENTS.

3. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.

4. UNAVAILABILITY OF BLUEPRINTS: DUE TO THE POTENTIAL DIFFICULTIES IN INTERPRETATION OF CONSTRUCTION, ALL DRAWINGS SHOWN OR OTHERWISE ENGINEERED OUTSIDE THE PLAN SET ARE TO BE CONSIDERED AS CROSS SECTIONAL OUTLINE OF THE DRAWINGS; CONTENTS OF THE DRAWINGS WILL NOT PROVIDE ANY DRAWING CONSIDERATIONS FOR ANY TYPE OF CUT OR THE CONSTRUCTION, JUST EXISTING AND PROFILE ELEVATIONS SHOWN IN THE DIFFERENT CROSS SECTIONS. ALL CROSS SECTIONAL DETAILS SHOWN IN THE APPROVED CONSTRUCTIONS ARE CONSIDERED TO BE THE BASIS OF CONTRACTOR TO FORMULATE THE DESIGN AND ELEVATIONS OF THE PROJECT.

5. CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE PLANS.

6. THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS.

7. OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THESE PLANS ARE TO BE MADE THROUGH THE PROPER CHANNELS, AS DESIGNED BY THE CONTRACTOR, AND NOTED ON THE DRAWING BLUEPRINTS.

CONTACTS

FOCUS ENGINEERING & SURVEYING, LLC

PREPARED FOR:

MOUNTAIN VIEW ESTATES

LOCATED IN:

WEST BOUNTIFUL, UTAH

COVER SHEET
West Bountiful City Planning Commission Meeting June 12, 2018

PENDING- Not Yet Approved

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 June 8, 2018 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 12, 2018 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Mike Cottle, Alan Malan, Laura Charchenko, Corey Sweat, Dee Vest, (alternate), and Council member Kelly Enquist

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

VISITORS: Mark and Greg Garza

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

1. Accept Agenda

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

2. Public Hearing to Receive Comments Regarding the Preliminary Plat for Mountain View Estates at approximately 2000 North 1100 West by DEV Group

ACTION TAKEN:

Corey Sweat moved to open the public hearing at 7:35 pm to receive Comments Regarding the Preliminary Plat for Mountain View Estates at approximately 2000 North 1100 West by DEV Group. Laura Charchenko seconded the motion and voting was unanimous in favor.

PUBLIC COMMENT: No Public Comment Received

ACTION TAKEN:

Laura Charchenko moved to close the public hearing at 7:36 pm with no public comment. Corey Sweat seconded the motion and voting was unanimous in favor.

3. Consider Preliminary Plat for Mountain View Estates Subdivision at 200 N 1100 West by DEV Group.
Commissioner’s packets included a memorandum dated June 7, 2018 from Ben White regarding Mountain View Subdivision—Public Hearing and Preliminary Plat with attached site plan.

Ben White introduced the application and stated there is nothing out of the ordinary for this subdivision application. The DEV Group is proposing a 43-lot subdivision at approximately 2000 North east of 1100 West on a 26.70-acre property that extends from 100 West to the right of way of the Prospector Trail.

The property is in the R-1-22 zone (half acre). The conceptual plans appear to meet the minimum size standards for the zone. A few lots require some adjustment with their size (Lots 117, 118 and 119 have 80 feet frontage and need to be 85 feet to meet standards). The following are points of interest regarding the development:

- As with most property in that area, overhead and underground easements present a challenge for the developer.
- Road connection to the Kinross Development reduce the northeast dead-end street to just under 1000 feet.
- The street corner radii need to be verified and meet City standards. Currently they are not labeled on the plat.
- Trail connection will need approval from Davis County.
- A temporary turn around will be required on the northeast dead-end.
- Street lights are included at the intersections and will be periodically placed throughout the development.
- A fire hydrant is required at the east end of the road.
- Drainage needs to be addressed at the northeast end of the road.
- Rear yard drains will be required.
- Secondary water will be provided. There is a tentative agreement in place with Hamlet Homes for that issue.
- The existing on-site well will be abandoned.
- Staff has received the geotechnical report and a list of water rights associated with the development.
- Lots 121 and 122 will have a turn around and will not provide access into the Kinross Development.

Alan Malan does not believe we are ready to approve the preliminary plat this evening as some information is missing. He asked about defined boundaries and lot measurements. In answer to his concern, Ben White pointed out that all these drawings and information has been submitted and showed those specifics on the overhead screen. Utilities are all identified but not shown to scale in these drawings. Some discussion took place regarding lot 111 and how a home will sit on that lot.

Chairman Hopkinson asked Mark Garza to take the stand and explain how the development will work. Mr. Garza stated that they were hired to obtain approval of the development and the intent is to sell lots to individual builders to build custom homes. There may be a few challenging lots that they will place spec homes on. He clarifies that there are only 42 lots instead of 43 due to misnumbering.

Alan Malan asked if any of the lots are located in the flood plain. Ben White pointed out that the shaded area on the site plan is the flood plain and will have to be dealt with. There should be little
concern or problem with this. There may be a little higher insurance charge but they will not be required
to raise the elevation except to meet the trail area.

Councilmember Enquist asked if there needs to be a stipulation on the grade at this point. Mr. White
answered that could be included in the final approval. Some discussion took place regarding drainage.
South side will definitely need drains and north side may be able to work together with Hamlet Homes
for shared drains. Alan Malan inquired about doing the drainage without CCR’s as defined in our
ordinance. Ben White stated that a note will be included on the plat.

ACTION TAKEN:

Corey Sweat moved to approve the preliminary plat for Mountain View Estates Subdivision at 200
North 1100 West. Mike Cottle seconded the motion. Some discussion took place regarding if the
motion should move forward with important missing information. There was an amended motion by
Corey Sweat to include that all items outlined in the memorandum received in the packet regarding
Mountain View Estates be addressed and that the width of the lots be defined. Mike Cottle seconded
the amendment motion and a roll call vote was taken with 5 Aye and 1 Nay vote.

Roll Call Vote:

Alan Malan - Nay
Mike Cottle - Aye
Corey Sweat - Aye
Laura Charchenko - Aye
Denis Hopkinson - Aye

4. Public Hearing to Receive Comments Regarding New Language to the Planned Unit
Development Ordinance, WBMC 17.68.150 - Limitation on Applications that Set Out How
to Modify a Development Agreement

ACTION TAKEN:

Laura Charchenko moved to open the public hearing at 7:56 pm to receive comments Regarding New
Language to the Planned Unit Development Ordinance, WBMC 17.68.150 - Limitation on Applications
that Set Out How to Modify a Development Agreement. Corey Sweat seconded the motion and voting
was unanimous in favor.

PUBLIC COMMENT: No Public Comment Received

ACTION TAKEN:

Corey Sweat moved to close the public hearing at 7:57 pm with no public comment. Alan Malan
seconded the motion and voting was unanimous in favor.

5. Consider New Language to WBMC 17.68.150 Regarding How to Modify a Development
Agreement
ACTION TAKEN:

*Laura Charchenko moved to approve the proposed new language to WBMC 17.68.150 Regarding How to Modify a Development Agreement as presented and forward the document to the City Council for their review and approval. Mike Cottle seconded the motion and voting was unanimous in favor.*

6. Discuss Grover Subdivision at 1811 North 800 West

Commissioner packets included a memorandum dated June 8, 2018 from Ben White regarding Grover Subdivision at 1811 North 800 West with an attached site plan. Memorandum gave an update of the subdivision.

Developer asked permission from city council last week to cut into the road before the 5 year moratorium period is concluded. City Council gave approval to cut the road and work with Public Works Staff to approve the patching. Developer will need to pay the excavation permit fee. Dee Vest commented that the patching job on 1100 West and 1200 North are the best patch jobs he has seen.

Davis County Public Works will look at providing a new storm drain line discharging directly into the DSB canal instead of using a storm water pump to lift the water into the canal.

7. Consider Final Plat for Dirty Dog Subdivision at 887 N 800 W

Ben White informed the Commissioners that Brandon Jones’ Dirty Dog 1-lot subdivision was approved in 2016 but never recorded. He is now ready to move forward and submitted a plat amendment to the original plan that was submitted 2 years ago. Mr. White noted that if this would have been a regular subdivision it would have to be reapproved.

8. Discuss Residential Outside Storage

Mr. White discussed the issues of residents keeping old equipment and junk on their property and storing trailers, RVs, etc. Vacant property has become a real concern regarding storage items on residential property. The city receives many complaints about junk yards and properties becoming storage yards, in some cases running a storage business. Property owners have a right to keep things on their property but when does it cross the line and impact neighbors?

He reviewed the current code regarding outdoor storage and pointed out specific things in the ordinance which addresses commercial property but not specifically residential property. Mr. White asked the Commission if they want to consider making some changes to the ordinance to address these issues. Cathy Brightwell explained some of the issues that they deal with from complaints of residents. Ben White offered an example of vacant property that stores trailers and such.

Staff would like to have some guidelines as to what could be acceptable.

*Alan Malan* does not feel it is our business to tell people what they can and can’t have on their property.
Laura Charchenko agreed with Commissioner Malan although she might consider requiring some fencing to keep storage out of sight.

Corey Sweat feels that we should only address weeds and not what is in the weeds.

Mike Cottle feels badly for the staff that receives the complaints but feels it would be very difficult to police the storage on personal property.

Dee Vest agrees but is concerned with safety issues that may be hazardous like gases and chemicals.

Councilmember Enquist asked how you define a nuisance. One man’s junk is another man’s treasure. He is not sure how could this be defined.

Chairman Hopkinson recognizes the pains that Staff deals with regarding this issue. He stated that the Commission does not support putting more regulation in place. He encouraged the Commissioners to ponder how to address this issue and bring your ideas for solutions back for discussion. He asked Staff to put it on the agenda again in two months and provide some ideas to ponder.

9. Staff Report

Ben White:

- Next meeting needs to be scheduled in June because of heavy agenda items. A special meeting could be held in July.
- Pages Lane construction will begin in two to three weeks and last for a duration of about 10 weeks.
- High Gate Subdivision went from 27 to 24 lots
- City Council is receiving push back on warranty bonds (10% cash) the balance is placed in a bank and can be drawn on. Ben gave examples of letters of credit that went sour for the City. He asked if they would like a presentation regarding information about the various ways to address a warranty bond so they would be able to make some decisions on how to handle them with the least amount of risk for the City. Some discussion took place regarding what instrument(s) to use. Commissioners concurred that the Cash deposit is the best and most secure avenue for the City to use. City currently allows an insured bank to hold funds with the City having control of those funds.

Cathy Brightwell:

- Next meeting will be July 10th. If we need to have an extra meeting, keep in mind that City Council will not be holding a meeting until July 17 due to Independence Day.
- ULCT is holding a Land Use 101 training on June 23rd if you want to register for the event. Commissioner Vest is scheduled to attend.

**ACTION TAKEN:**

Mike Cottle moved to approve of the minutes of the May 22, 2018 meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

10. Adjournment

**ACTION TAKEN:** History has been made!!! LOL Sorry, Alan

Mike Cottle moved to adjourn the regular session of the Planning Commission meeting at 8:47 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on July 10, 2018 by unanimous vote of all members present.

Cathy Brightwell – City Recorder