

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

**WEST BOUNTIFUL
PLANNING COMMISSION**

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West Bountiful, Utah 84087

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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 REGULAR MEETING BEGINNING AT 7:30 PM
ON TUESDAY, NOVEMBER 13, 2018 AT THE CITY OFFICES**

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use Application for TRAX PowerSports at 1125 W 500 South
3. Discuss Proposed Changes to Title 16 – Subdivisions.
4. Review of Property Ombudsman Advisory Opinion.
5. Staff report
 - a. Atwater Subdivision Update
 - b. Destination Homes Update
6. Consider Approval of Minutes from October 23, 2018 meeting.
7. 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 November 9, 2018 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

November 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 November 9, 2018 per state statutory requirement.

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

Those in Attendance:

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

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

VISITORS: Gary Jacketta, Roger Eggett

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

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda as presented and Alan Malan seconded the motion. Voting was unanimous in favor among all members present.

2. Consider Conditional Use Application for TRAX Power Sports at 1125 West 500 South

Commissioner packets included a memorandum dated November 9, 2018 from Cathy Brightwell and Ben White regarding TRAX Power Sports, LLC with an attached permit application.

The memorandum addressed the following:

- TRAX Power Sports will handle short term rentals of power sports equipment (ATVs, snowmobiles, boats, etc.) and then sell their used equipment every year.
- WBC Code does not specifically list equipment rental as an allowable use but it does list motor vehicle sales and service and outdoor storage of retail vehicle inventory and equipment sales and service. It also allows for other commercial businesses which are like those listed as conditional use which may be approved by the Planning Commission. Staff interprets this request to be an allowed use in the CH zone.
- List of suggested findings and conditions.

Chairman Hopkinson introduced the application for Mr. Roger Eggett. Cathy Brightwell reported that all documents have been received for his application. Roger Eggett was invited to take the stand for questions from the Commissioners. He stated that he has other locations but most of the

office work will be done in this location and his used equipment will be sold in this West Bountiful location. The main business is Rocky Mountain Ventures in Bear River.

Commissioners did not have any questions.

ACTION TAKEN:

Corey Sweat moved to approve the conditional use permit for Roger Eggett for TRAX Power Sports of Morgan, LLC, located at 1125 W 500 South with the following findings and conditions: 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; 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; and the following conditions will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection; and the proposed use is approved as a conditional use under 17.34.030(N) "other commercial businesses which are similar to those listed as conditional use." Conditions include providing proof of dealer license to sell equipment, proof of insurance, fire inspection certificate, signage specific to city code WBMC 17.48, vehicles and equipment on display must be operable and in sellable condition, and applicant must purchase a West Bountiful City business license. Laura Charchenko seconded the motion and voting was unanimous in favor.

3. Discuss Proposed Changes to Title 16- Subdivision

A revised copy of the Subdivision 16 document dated 11/09/2018 was provided in the Commissioner's packet.

Cathy Brightwell reviewed the changes made to Pages 1-9 that were suggested from last Commission Meeting. She pointed out three sections that still need discussion. In Section 16.12.040, (A) is still not clear and there was discussion about new language. Staff will continue to work on new language. (E) has been changed to include a minimum of 200 feet before interior lots can have frontage on two streets, and (H) required more discussion about the allowable size of remnant lots. It was decided to leave this subsection in its original form.

Tonight's discussion will cover Page 10-31. Ben White reviewed the document with the Commissioners.

Page 11, Section 16.12.050(C) - "Special requirements may be imposed" was taken out because it is not enforceable. There must be a standard and criteria in place in our Code and not left up to interpretation.

Page 13 - Cleaned up language to match the practice that we have in place. Chairman Hopkinson inquired about boundary and fence lines in (D) and if there could be language included that could help in situations where old boundaries are not easily identifiable. Some discussion took place and it was decided that this issue would have to be dealt with by the surveyor, and boundary disputes must be resolved before preliminary plat can be approved.

Page 14-E. Standards have been added that are included that are in our code, and placement of mailboxes added.

Page 15-Cleaned up process of what is current city practices. Section 16.16.030 Final Plat- language was added to explain the period of time that approval begins.

Page 16-Document size consistent with recording requirements of Davis County Recorder.

Page 18- Clarification only.

Page 19- Changes made to define Warranty Bond and Improvement Bond percentages.

Page 21-Add "city engineer" in B.

Page 22-Cleans up the scaling requirements.

Page 24- E. Use "criteria" instead of conditions.

Page 30- Appeals language was removed as it is the same as in the other parts of the code. Chairman Hopkinson would like a section left in for "Appeals" and reference it to where they would find it in the Code.

Chairman Hopkinson asked for a clean electronic copy to be sent to all the Commissioners for their thorough review. A public hearing will be scheduled for December 11th.

4. Review of Property Ombudsman Advisory Opinion

Ben White gave a brief presentation on an Ombudsman Advisory Opinion. He explained that an Ombudsman is an attorney that operates outside of the law and offers opinions on various issues of land use. He reviewed Opinion 191- Reeves Riverton Ranch in a Power Point presentation. This case dealt with Conditional Use Permits. In brief, the material covered the following important issues: a Municipality must adopt applicable standards and use them in imposing conditions. Vague standards must be avoided in our code as they cannot be upheld if challenged. There needs to be direct connections for each condition to supporting criteria. If it is not in our code, it cannot be required unless the record supports health, safety and general welfare. We need to have goals and purposes as to what we are trying to achieve in order to place conditions on the permit.

Chairman Hopkinson asked if conditions are listed in the minutes or the action taken when the conditions were being approved was sufficient. Mr. White felt that if there were discussions pertaining to that specific situation, then it would probably be acceptable. It is important to include goals and purposes that make direct connections to the criteria.

5. Staff Report

Ben White:

- a. Atwater Subdivision turned in plans this week and should be coming before them in the next meeting for final plat approval.
- b. Destination Homes- Ben referred to an email Duane sent to them about a meeting they had with the Mayor last week. They will likely be asked to have some text change to the BU zone.
- c. Pages Lane is not finished but is prepared for the winter. They will finish up the work in the spring.

- d. Next week on City Council here is a request to amend a plat for Hogan. Several developers are amending their plats and will be returning to City Council.

Cathy Brightwell:

Apologized that she forgot to submit their quarterly pay. They will receive their checks for third quarter next week.

Dee Vest asked about the reverse 911 and how to get notification on cell phones. Cathy stated that this issue will be addressed in the next Newsletter. He also asked if the signs could be taken down when the roads are not closed around Pages Lane construction.

6. Consider Approval of Minutes from October 23, 2018 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the October 23, 2018 meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

7. 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 October 23, 2018 by unanimous vote of all members present.


Cathy Brightwell – City Recorder

