

**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 ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 10, 2019 AT THE CITY OFFICES**

### Prayer/Thought by Invitation

1. Accept Agenda.
2. Discuss Land Use Process and Fees.
3. Discuss Accessory Dwelling Units/County Recording Requirements.
4. Staff report.
5. Consider Approval of Minutes from the August 27, 2019 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 September 6, 2019 by Cathy Brightwell, City Recorder.*

**West Bountiful City  
Planning Commission Meeting**

**September 10, 2019**

*Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on September 6, 2019 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 10, 2019 at West Bountiful City Hall, Davis County, Utah.

**Those in Attendance:**

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

**MEMBERS EXCUSED:** Chairman Denis Hopkinson

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

**VISITORS:** None

The Planning Commission meeting was called to order at 7:30 pm by Vice-Chairman Alan Malan. Corey Sweat offered a prayer.

**1. Accept Agenda**

Vice-Chairman Alan Malan reviewed the agenda. Corey Sweat moved to accept the agenda. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

**2. Discuss Land Use Process and Fees**

Commissioner packets included a memorandum dated September 6, 2019 from Ben White regarding a Fee Schedule proposal with an updated zoning fee schedule. Memorandum included the following information:

- City relies on Utah State Code to define the land use processes it uses such as plat amendments, rezone and text changes to city code, annexation, and modifying easements. For the most part, State Code serves the City adequately.
- The Planning Commission requested that staff review the issues related to fees and process entitlements with legal counsel. Legal Counsel states that reasonable fees can be charged for services that require staff time without creating additional entitlement. Staff time is spent on every land use application before the Planning Commission or City Council gets an opportunity to decide whether they wish to consider the request or not.
- With the review of our City Attorney, staff is suggesting the proposed fee schedule with modifications and additions to land use fees.
- Staff has not recommended including processes for items such as rezone request which are currently not in our code. The City may want to consider adding language which "legitimizes"

the right to charge the fee. The Fee Schedule is adopted by ordinance authorizing the city to charge the fee but noting the fee in our municipal code would be better.

Ben White reviewed what was talked about at the last meeting and that legal counsel does not believe collecting a fee entitles the application to be considered or hold a public hearing. He explained the process for each of the zoning items and how they determined the fee for each application.

**The Proposed Fee Schedule Changes Include:**

**Lot Line Adjustment:** State code now allows lot line adjustments without city involvement, so the fee has become obsolete and is proposed to be removed.

**Plat Amendment Fee** - \$100 if no easements are involved and \$150 if easements are to be relocated.

**Plat Recording Fee** – Actual cost of recording.

**Recording Document Fees** are updated to reflect an increased recording cost at the County - \$50 per document.

**Text change to Municipal Code fee** is new. The process and outcome are the same as a rezone and oftentimes a text change takes more time and effort. Staff believes the fee for text changes should be the same as the current Rezone Fee which is \$150.

There was discussion about several of the fees and whether the city is required to accept an application or request. Mr. White stated that we do not have to consider everything and proceeded to explain how the fee would be used and why it is needed. There is a lot of effort in review and preparation before it even gets to the planning commission.

As a public hearing is necessary to move forward with accepting this fee schedule, staff will schedule for October 8.

**3. Discuss Accessory Dwelling Units (ADUs)/County Recording Requirements.**

Commissioner packets included a memorandum dated September 6, 2019. The memorandum included the following information:

- Many cities require that the stipulations related to ADUs be recorded. Staff believes West Bountiful would benefit from the requirement as well. ADUs are currently allowed as a Conditional Use with the Conditional Use Permit expiring upon sale of the property.
- Staff is recommending that the requirements included in the Conditional Use Permit be recorded so any future owner would not be caught unaware. Staff is requesting the following change as shown below.

**17.82.040 Conditional Use**

*Any ADU shall conform to the development standards of Section 17.82.050 and shall constitute a conditional use in all residential zones subject to the approval and issuance of a conditional use permit by the Planning Commission and recorded in the office of the County Recorder.*

Alan Malan would like “in the office of” replaced with “with” to make the language more concise.

A public hearing is needed as it is a land use change and will be scheduled for October 8<sup>th</sup>.

**4. Staff Report**

**Ben White**

- Atwater (Glover) Subdivision on 800 West has the road closed from time to time as they are installing utility services.
- Mountain View Estates is getting ready to pave next week.
- There is a potential amended plat for the Skiddy property to include a one-acre flag lot. We are not obligated to accept amended plats.
- Request has been received to make a text change to the BU Zone on behalf of the Plumb property. Ben is communicating with them to clarify items before coming to Planning Commission.
- Received additional information today from Canyon Pipeline regarding their Conditional Use Permit on the Sewer District Property.
- Will schedule a public hearing on October 8<sup>th</sup> for the general plan so we can meet the statutory deadline for final approval of December 31.
- 1100 West construction will begin soon to extend the sidewalk from the canal up to 200 N.
- The first well drilling is completed. Findings look good so far but test results won't be in until next week.

**Cathy Brightwell**

- Cathy will be out of the office all next week so will not be able to prepare packets on Friday, for the September 24 planning commission meeting. She asked if they could be distributed on Monday, September 23. There was no objection.

**5. Consider Approval of Minutes from August 27, 2019 meeting.**

**ACTION TAKEN:**

*Corey Sweat moved to approve of the minutes of the August 27, 2019 meeting as presented. Dee Vest seconded the motion and voting was unanimous in favor.*

**6. Adjournment**

**ACTION TAKEN:**

*Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:00pm. Corey Sweat seconded the motion. Voting was unanimous in favor.*

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The foregoing was approved by the West Bountiful City Planning Commission on September 10, 2019 by unanimous vote of all members present.

*Cathy Brightwell*

Cathy Brightwell – City Recorder

