

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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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.

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.



MEMORANDUM

TO: PLANNING COMMISSION

DATE: SEPTEMBER 6, 2019

FROM: BEN WHITE

RE: FEE SCHEDULE UPDATE

In the August 27th Planning Commission meeting, we discussed that the City relies on Utah State Code to define the certain land use processes it uses such as plat amendments, rezone and text changes to city code, annexation, and modifying easements. Generally, State Code serves the City adequately.

The Planning Commission requested that staff review the issues related to fees and process entitlements with legal counsel. It is the opinion of legal counsel that reasonable fees can be charged for services that require staff time without creating additional entitlement. For instance, staff time will be 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.

Based on that opinion by the City Attorney, staff is suggesting the attached modifications and additions to the land use fees. Staff is not recommending including processes for items such as rezone requests which are currently not in our code. The City may want to consider adding language which "legitimizes" the right to charge the fee. Since the Fee Schedule is adopted by ordinance, it will be acceptable to charge fees; but noting the fee in our municipal code would be better.

Fee Schedule Changes Include:

Lot Line Adjustment: State code now allows lot line adjustments without city involvement, so the fee has become obsolete.

Plat Amendment Fee is a new fee. There is staff time and advertising costs directly associated with these requests.

Recording Fees are updated to reflect an increased recording cost at the County.

Text Change to Municipal Code fee is new. The process and outcome is the same as a rezone. Text change takes more effort. Staff believes the fee for text changes should be at least as much as a map change.

ZONING

<u>Annexation Application fee</u>	\$ 200 - 500
<u>Easement – Application to Vacate</u>	\$ 100
<u>Lot Line Adjustment</u>	\$ 100
<u>Plat Amendment</u>	<u>\$ 100 – no easements</u>
	<u>\$ 150 – relocate easements</u>
<u>Recording Document fees</u>	<u>\$50/document</u>
<u>Plat Recording Fee</u>	<u>Actual cost</u>
<u>Re-zone Application</u>	\$ 150
<u>Text Change to Municipal Code</u>	<u>\$ 150</u>
 <u>Subdivision Application and Review Fees</u>	
Conceptual Site Plan Review – ALL applications	\$100 per application submittal
Major Subdivision	
Preliminary Review (due with submission)	\$ 50 per lot, plus \$100/acre/part
Final Review (due with submission)	\$200 per lot, plus \$100/acre/part
Minor/Metes & Bounds Subdivision (due w/Planning Commission submission)	\$200 per lot, plus \$100/ acre/part
County Recording Fee (see City Recorder for information)	Price varies <u>\$50 per page, plus \$2 per lot</u>
Subdivision Improvement Bond	120% of Public Improvements Cost (10% of 120% cash bond held by City)
Subdivision Inspection Fee	3% of Improvement Bond
<u>Variance Application</u>	\$ 100

MEMORANDUM



TO: PLANNING COMMISSION

DATE: SEPTEMBER 6, 2019

FROM: BEN WHITE

RE: ACCESSORY DWELLING UNIT (ADU) UPDATE - SECTION 17.82

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.

1 **West Bountiful City**
 2 **Planning Commission Meeting**

AUGUST 27, 2019

3 **PENDING – NOT APPROVED**

4 **Posting of Agenda** - *The agenda for this meeting was posted on the State of Utah Public Notice website,*
 5 *on the West Bountiful City website, and at city hall on August 23, 2019 per state statutory requirement.*

6 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 27, 2019
 7 at West Bountiful City Hall, Davis County, Utah.

8 **Those in Attendance:**

9 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Mike Cottle, Alan Malan, Laura Charchenko, Corey
 10 Sweat, Dee Vest (alternate)

11 **MEMBERS EXCUSED:** Council member Kelly Enquist

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

14 **VISITORS:** Gary Jacketta

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

17 **1. Accept Agenda**

18 Chairman Denis Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda. Corey Sweat
 19 seconded the motion. Voting was unanimous in favor among all members present.

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

21 Commissioner packets included a memorandum dated August 23, 2019 from Ben White regarding Land
 22 Use Process and Fees with an attached zoning fee schedule.

23 Ben White introduced the fee schedule discussion by explaining that the City relies on the Utah State
 24 Code to define the certain the land use processes it uses such as plat amendments, rezone and text
 25 changes to city code, annexation, and modifying easements. Generally State Code serves the City
 26 adequately but, in some instances a more detailed process may be beneficial. He used an example
 27 where a fee is proposed for persons requesting to amend a subdivision plat and to request specific
 28 changes to the municipal code. Plat amendments require notice to affected entities and, in some cases,
 29 a public hearing. Many change requests to the Code are essentially a rezone request. In these cases, it
 30 makes sense to charge a fee because it requires a large amount of staff time and other direct costs like
 31 advertising public notices.

32 Another question is whether by collecting a fee, the City provides a right to the applicant to move the
 33 request through planning commission and city council even if they prefer not to hear it on merits. Staff
 34 would like to discuss which land use applications the City may benefit from by instituting a more
 35 detailed process, along with those that merit an application fee.

36 Mr. White added that County recording fees have gone up significantly. In most cases it's \$40 for the
37 first sheet and there can be additional charges thereafter. They will however now accept credit cards.

38 Chairman Hopkinson spoke to some fees as being municipal taxes. He feels like the term "fees" has
39 taken the place of using the term "taxes" when collecting monies for fees. He supports the fee schedule
40 if it is not for profit and to just cover actual costs. Mr. White stated that the city is prohibited from
41 making a profit on its fees and can only cover its costs.

42 Mike Cottle asked for clarification of the Planning Commission's powers and duties. He said he believed
43 their job is to protect the city, not the applicant. Mr. White explained that laws are designed to benefit
44 the city, but once laws have been put in place, it is then the commission's duty to follow them which
45 may include protecting the applicant's rights.

46 After some discussion, there was a desire to have legal counsel review the issue and provide a
47 recommendation.

48 Ben White provided popcorn for everyone's enjoyment due to a previous misinterpretation of the
49 planning commission responsibilities regarding land use applications.

50

51 **3. Review Updates to the Housing Section of the General Plan.**

52 Commissioner packets included a proposed updated copy of the Housing Section of the General Plan.
53 Cathy Brightwell explained that after previous discussion with the Commission, she was able to reduce it
54 several sections from a 10-pages to 2-pages. There are still some statistical charts in the original
55 document that do not seem to add much to the overall section. Some of these would be very difficult to
56 update due to limited statistical resources. She asked the Commissioners which of these additional
57 charts they would like to keep in the document. Some of the information changes frequently and our
58 general plan does not so it would be very difficult to keep the data current. After some discussion and
59 review the Commissioners decided to accept her proposed changes including just the one Income chart
60 that is based on U.S. Census 2012-2016 American Community Survey 5-yr Estimate.

61 **Commissioner's Comments:**

62 **Alan Malan**, in the first paragraph would like the word "working" to be stricken from commuting
63 residents. He does not want commuting outside the city limited to working residents as most children
64 also commute – to school. He would also like to add "rural" to residential life-style under the Vision
65 statement as that states more of what West Bountiful stands for.

66 **Corey Sweat** would like the 3rd sentence under "Vision" moved to the "Goals" Section and leave the rest
67 of the paragraph as written.

68 **Laura Charchenko Dee Vest** and **Mike Cottle** concur with the changes that have been suggested.

69 **Dee Vest** asked for some clarification of Table 6.1. Cathy satisfied his question.

70 **Chairman Hopkinson** supports the proposed income chart included by staff and does not feel any
71 additional statistics are needed. He also supports the change to the Vision statement as Commissioner
72 Sweat suggested. He shared his appreciation of all the work staff has done.

73

74 **4. Staff Report**

75 **Ben White**

- 76 • The company seeking indoor storage at the Carr Print building has given up; there is a new
- 77 potential buyer that wants to grow medical cannabis, but the zoning would have to change.
- 78 • Wood Haven trailer park has a prospective buyer that wants to keep the property as a trailer
- 79 park. We may see future requests for expansion.
- 80 • We received a request to change the BU zone to higher density zoning in certain situations.
- 81 • Drilling will begin soon for a new municipal well on the south side of 400 North. A temporary
- 82 sound wall will be constructed as drilling will run 24 hours a day until complete.
- 83 • There will be some detours around 800 West due to construction that will begin at the Atwood
- 84 Subdivision.
- 85 • Mountain View Estates will be paving their road soon. They delayed paving due to the heavy
- 86 truck traffic bringing in dirt all summer. Some discussion took place regarding drainage issues in
- 87 that area.
- 88 • Highgate Estates has been issued their first building permit. Until 1450 West is completed
- 89 building permits will only be issued on the first 1000 feet off 1100 West.
- 90 • The City Hall back-parking area will be under construction in the near future.

91

92 **5. Consider Approval of Minutes from July 9, 2019 meeting.**

93 **ACTION TAKEN:**

94 *Corey Sweat moved to approve of the minutes of the July 9, 2019 meeting as presented.*

95 *Laura Charchenko seconded the motion and voting was unanimous in favor.*

96 **7. Adjournment**

97 **ACTION TAKEN:**

98 *Alan Malan moved to adjourn the regular session of the Planning Commission meeting at*

99 *8:13pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.*

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103 *The foregoing was approved by the West Bountiful City Planning Commission on September 10, 2019 by*

104 *unanimous vote of all members present.*

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107 *Cathy Brightwell – City Recorder*