Mayor
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 ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 24, 2019 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use for Construction Staging at 1700 West 1200 North (South Davis Sewer District and Canyon Pipeline).
3. Consider Conditional Use for a Firearms Manufacturing/Assembly Facility at 1116 W 500 South.
4. Discuss Updates to Land Use Fees.
5. Discuss Accessory Dwelling Units/County Recording Requirements.
6. Discuss updates the West Bountiful General Plan.
7. Staff report.
8. Consider Approval of Minutes from September 10, 2019 Meeting.
9. 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 23, 2019 by Cathy Brightwell, City Recorder.

West Bountiful City
Planning Commission Meeting

September 24, 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 23, 2019 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 24, 2019 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Mike Cottle, Alan Malan, Laura Charchenko, Council member Kelly Enquist

MEMBERS EXCUSED: Corey Sweat, Dee Vest

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

VISITORS: Gary Jacketta, Dal Wayment

The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Mike Cottle offered a prayer.

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda. Alan Malan seconded the motion. Voting was unanimous in favor among all members present.

2. Consider Conditional Use for Construction Staging at 1700 West 1200 North (South Davis Sewer District and Canyon Pipeline).

Commissioner packets included a memorandum dated September 16, 2019 from Ben White regarding Canyon Pipeline Conditional Use Permit at 1700 W 1200 North with a copy of the Conditional Use Permit Application from Ken Feldman/Canyon Pipeline, Inc.

Canyon Pipeline has been using property leased from South Davis Sewer District as a construction staging area. It has previously been established that Canyon Pipeline meets the criteria of a "quasi-governmental entity" and therefore qualifies for a Conditional Use for the subject property.

Canyon Pipeline is replacing Dominion Energy's high-pressure gas transmission pipelines throughout Davis County. They use the Sewer District Property as a staging area for equipment, materials and employee parking.

As part of their staging use, they will be storing and staging steel pipe, slurry sand, conex boxes for small parts storage, swamp mats, and bulk storage of 'wash sand' (a non-hazardous sand washed of all salt, silt, clay, dust and powder). The vehicles and equipment stored, staged and working out of this yard are (approximately) 12-14 dump trucks, 5-6 slurry trucks, 8-10 semi-trailers of steel pipe, 12-15 crew trucks, and 2-3 water trucks. Their hours of operation will be Monday – Saturday from 6 am – 5 pm.

Staff has reviewed their use and has identified possible impacts that would negatively impact the area and environment. He added that they also need to ensure they have adequate utilities in place for the use.

Dal Wayment from the Sewer District was present to answer questions.

Alan Malan stated that no outside storage such as tires, batteries or inoperable equipment can be stored on the property.

Laura Charchenko is concerned that the permitted time of 6:00 am may not be early enough for them to begin. Mr. White explained that the 6:00 am hour is what they requested.

Mike Cottle asked for more information about what is included as part of the staging. Mr. Wayment said they make a flow mixture to backfill the pipelines. He stated that they would like to keep the batching process in place because it is important to their projects. Mr. Wayment feels that Canyon Pipeline is very considerate of the environment and keeps a very tidy sight. Mr. Cottle asked if they have any concerns with them and Mr. Wayment answered that they have had no problems and they have been very good to work with.

Councilmember Enquist felt that fleet maintenance would be okay to have done on sight. Ben White stated that the SWPPS program would not allow that to happen unless proper maintenance facilities are in place. Regarding material batching they will have to comply with SWPPS requirements. Further discussion took place regarding regulations.

ACTION TAKEN:

Laura Charchenko Moved to approve the Conditional Use Permit at 1700 W 1200 North for Canyon Pipeline at the South Davis Sewer District location with the following conditions: fugitive dust must not extend beyond the property boundaries, noise should be kept to the levels of those emitted from typical residential properties complying with the city ordinance for noise restrictions, noxious odors should be controlled and not permitted to leave the property, security and site lighting should not negatively impact neighboring properties, adequate utilities will be provided, no inoperable storage allowed including tires, batteries, etc., fueling and batching must follow the SWPPPs guidelines. Findings include, the proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community, negative impacts have been identified and mitigated and will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property, and the proposed use will not inordinately impact schools, utilities, and streets in the area. Alan Malan seconded the motion and voting was unanimous in favor.

Mr. Wayment gave his appreciation and noted that they are a government entity and that they are working with the pipeline company to provide adequate services for the citizens in the community.

3. Consider Conditional Use for a Firearms Manufacturing/Assembly Facility at 1116 West 500 South.

Commissioner packets included a memorandum dated September 18, 2019 from Ben White regarding Conditional Use Permit Request of Gun Manufacturing /Assembly at 1116 West 500 South from Robert Bowman, BUTMGS, LLC, with an attached copy of the Conditional Use Permit Application. This memo

provides background, asks the commissioners to make a use determination, and reviews potential conditions.

Background

According to Mr. Bowman, foreign firearms parts are purchased and shipped to the site where they will be assembled into fully functioning centerfire guns. The expectation is the stocks, barrels, actions, etc. are purchased ready for assembly. No on-site parts manufacturing is anticipated. Sales will be primarily wholesale with limited on-site retail sales.

Use

The first item the Planning Commission must decide is whether the requested business is allowed in the C-H (Commercial Highway Zoning District). Gun manufacturing/assembly/wholesale is not a listed use in any zone. The C-H District allows conditional uses that include "Other commercial businesses which are similar to those listed [...], as determined by the planning commission.

Alan Malan stated he believes this request would fall under 17.34.030(12), "Indoor Fabrication, machining or welding of materials or equipment not for resale.) There was discussion about the term "not for resale" and how it impacts this use. Mr. Malan noted that the definition of resale means something that is resold in its original state, which does not apply here. Mr. White noted that item 12. was originally included at the request of Holly Frontier so they could operate maintenance facilities in that zone for their own internal use.

Chairman Hopkinson felt the requested use could also be conditioned under item (10), "General Merchandise Sales." He added that firearms are federally and state controlled with many regulations to be met. He stated that the city needs to be named as additionally insurance for any issue that may arise. He supports assembly and wholesale but would be fine not having retail as part of the business permit if that is the preference of the Commission. The Conditional Use permit allows us to make conditions for the business that will mitigate any concerns of the City. Further discussion took place as to what conditions should be placed and what liability the city may or may not have.

Councilmember Enquist stated the entire property is very unkempt and he is not convinced some of the other businesses at this location are following our Code.

Chairman Hopkinson asked if they would be issuing live rounds after the weapon was assembled. Staff did not feel they would be doing that. Our code does not allow discharging of a weapon within the city limits and they would have to abide by code.

ACTION TAKEN:

Alan Malan Moved to approve the Conditional Use Permit for Gun Manufacturing/Assembly at 1116 West 500 South for Robert Bowman, BUTMGS LLC with the following findings: the proposed use 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 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 compatible with adjoining uses; will comply with the regulation and conditions specified in land use ordinance for such use. The conditions to be imposed

include obtaining and complying with all state and federal permits and licensing requirements related to the manufacturing and sales of firearms including any required background checks for potential customers; obtaining a building permit and certificate of occupancy if modifications to the space which fall under the Building Code requirements are contemplated; fire inspector approval; obtaining a city business license; and adding city as additionally insured. Laura Charchenko seconded the motion and voting was unanimous in favor.

4. Discuss Updates to Land Use Fees

Commissioner packets included a memorandum dated September 20, 2019 from Ben White regarding Fee Schedule Updates with an attached copy of the updated fee schedule.

The proposed changes to land use fees have been discussed in previous Planning Commission meetings and include the deletion of the lot line adjustment fee, a new fee for Subdivision Plat Amendments, recording fees are updated to reflect an increased recording cost at the County level, and rezone fee clarification includes municipal code text changes.

Staff is working on a couple additional changes to the fee schedule: a flat fee for wall mounted sign building permits and a flat fee for photovoltaic solar array building permits. Wall mounted sign permits cost the city nearly the same amount regardless of the size/cost of the sign. The same is true of solar applications. It makes sense that the same fee is charged for all similar permits instead of basing the permit cost on a construction dollar value. The proposed fees being evaluated are around $75 per building façade for signs, and $225 for solar applications.

The October 8 meeting will also include a public hearing for these fee items.

5. Discuss Accessory Dwelling Units/County Recording Requirements.

Commissioner packets included a memorandum dated September 20, 2019 from Ben White regarding an update to Accessory Dwelling Units, WBMC Section 17.82.

Staff believes West Bountiful would benefit from a requirement to record with County all conditions of each ADU as it is approved as a Conditional Use. The provides an opportunity to track the ADU uses and for future buyers to be aware of restrictions on the property.

The proposed language is 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 with the County Recorder.*

Staff and Commissioners concurred that ADU's are becoming more and more popular when building new homes. Alan Malan suggested to change "recorded" to "recording."

A public hearing regarding the proposed change is scheduled for October 8th Planning Commission meeting.

6. Discuss updates the West Bountiful General Plan

Commissioner packets included a 2019 updated clean copy of the West Bountiful City General Plan 2006 - 2016.

Most updates have been discussed at previous meetings. Ben White explained the new Table 6.1 and how it shows we have 74% of our residents meet the moderate-income housing level of $67,827. The primary reason for this is that a large number of our residents do not have mortgages; they have been in their homes long enough that their mortgages have been paid off. He also reviewed Table 6.2 that shows approximately 87% of West Bountiful homes are valued between $150,000 and $500,000 but noted that this data is based on U.S. Census - 2012-2016 American Community 5 yr. estimate and continues to change.

Laura Charchenko, referring to Section 2-4, Rural Density Residential Classification, asked that the highlighted text "clustering is encouraged for residential developments" be stricken.

Mike Cottle asked for clarification on impact fees. Ben White explained that they are fees to cover the impact to the city for certain services, i.e., parks, police, water, streets, etc. There was discussion about why the city waives impact fees for Accessory Dwelling Units and Mr. White explained that the city impact fees collected on the main residence have been sufficient, although there is always the chance that could change in the future.

There was also discussion about the purpose of the ADU and Chairman Hopkinson recalled that it was originally intended for family use not as a separate rental unit. Mr. White explained that our ordinance does not require ADUs be limited to family members, but it does require that the property owner live on the premise.

Councilmember Enquist anticipated that ADU's will be on the legislative agenda this year. We should wait and see what they allow us to do or not to do.

7. **Staff Report**

Ben White

- Expect to see "Tailgate Acres" on the next agenda which is a new 4-lot subdivision immediately south of the Highgate Estates subdivision filed by Jack Williams. Ben asked if Commissioners want to hold a public hearing or just address the development, as the requirement to hold public hearings on subdivisions has been eliminated. They concurred that no public hearing is necessary.
- Mr. Goldberg has filed an 'Intent to Annex' his property on 1200 North which is just west of the recently annexed Cottle property and just east of the City property. Surrounding property owners will be asked if they wanted to annex at the same time. Mr. Goldberg is anxious to move his property into the City as the County has recently changed its zoning from A-1 to A-10 and does not consider his out-buildings to be an agricultural use.
- Information regarding the drilling of the new well will come at the next meeting.

Cathy Brightwell

- Thanked Commission for being flexible with meeting packets while she was on vacation last week and asked the same consideration while she is out of town next week by waiting for packets until Monday, October 7.
- Candidates - Meet and Greet is October 7th at 6:00 at the large bowery at the park. Ballots will be in the mail by the 12th of October.

8. **Consider Approval of Minutes from September 10, 2019 meeting.**

ACTION TAKEN:

Mike Cottle moved to approve of the minutes of the September 10, 2019 meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

9. **Adjournment**

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:05pm. 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 September 10, 2019 by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH