

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
FAX (801) 292-6355

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, DECEMBER 10, 2019 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Public Hearing – WBMC 17.76 – Private Swimming Pools and WBMC 17.56 – Nonconforming Uses and Buildings.
3. Consider Proposed Code Changes to Private Swimming Pools.
4. Consider Proposed Code Changes to Nonconforming Uses and Buildings.
5. Consider Zoning Designation for Proposed Annexation at 1390 W 1200 North.
6. Staff report.
 - a. Parking
 - b. Dark Sky
7. Consider Approval of Minutes from November 12, 2019 Meeting.
8. 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 December 6, 2019 by Cathy Brightwell, City Recorder.

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NOTICE OF PUBLIC HEARING

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, December 10, 2019 at 7:30 p.m., or as soon thereafter as agenda allows, at 550 N 800 West, West Bountiful.

The purpose of the hearing is to receive public comment regarding proposed changes to WBMC 17.76 Private Swimming Pools, and WBMC 17.56 Nonconforming Uses and Buildings.

A copy of the proposal may be viewed on the City website: www.wbcity.org. All interested parties are invited to participate. Written comments may be submitted to the City Offices prior to the meeting.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: PLANNING COMMISSION

DATE: DECEMBER 6, 2019

FROM: BEN WHITE

RE: PRIVATE SWIMMING POOLS – WBMC 17.76

In the last two Planning Commission meetings we discussed proposed changes to WBMC 17.76 - Private Swimming Pools. These changes include comments from the consultant hired to review our Code for compliance with current state and federal laws, as well as staff's recommended text changes.

The attached clean version, dated December 6, 2019, reflects the changes discussed by Planning Commission.

17.76 Swimming Pools And Recreational Facilities

17.76.010 Definitions

17.76.020 Private Pools And Use

17.76.030 Semi-Private Pools And Use

17.76.010 Definitions

As used in this chapter:

"Private swimming pool" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a single- family residence and available only to the family of the household and private guests.

"Semi-private swimming pool" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

"Swimming pool" means any constructed pool used for bathing or swimming which is over twenty-four (24) inches in depth, or with a surface area exceeding two hundred fifty (250) square feet.

Adopted by Ord. 374-15 on 11/18/2015

17.76.020 Private Pools and Use

Any private or semiprivate swimming pool not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least six feet. There shall be no openings larger than thirty-six (36) square inches, except for gates which shall be equipped with self-closing and self-latching devices. Such gates shall be securely locked when pool is not in use by persons invited by the owner. Private swimming pools will be permitted when they meet the necessary setback requirements. However, there must be no direct connection to the city's culinary water system or to the sewer system of the city.

Adopted by Ord. 374-15 on 11/18/2015

17.76.030 Semi-Private Pools and Use

Semi-private swimming pools or recreational facilities may only be owned as part of a Homeowners Association (HOA) or similar non-profit entity, provided that in all such cases the following conditions are met:

- A. The facilities are to be owned and maintained by the members, and a minimum of seventy-five (75) percent of the membership must be residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.
- B. The area to be used for recreational purposes is of sufficient size to accommodate all proposed facilities, together with off-street parking of sufficient size to satisfy the needs of the area and still maintain a landscaped front yard of not less than thirty (30) feet and a landscaped side yard on both sides and rear of not less than ten (10) feet. Parking shall not be permitted in the front or street side yard setbacks.

- C. The area to be developed into a recreational area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- D. A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than six feet, the fence across the front of the property to be constructed no nearer to the front property line than the required front setback.
 - a. Electrical.
Overhead Conductor Clearances. No overhead electrical conductors are permitted.
 - b. Underground Conductor Clearances.
Distribution Lines Over Six Hundred (600) Volts. There shall be a minimum ten (10) feet horizontal separation between the closest edge of pool and lines distributing over six hundred (600) volts of electricity.
 - c. Service Lines Under Six Hundred (600) Volts. There shall be a minimum five feet horizontal separation between the closest edge of the pool and service lines carrying fewer than six hundred (600) volts of electricity.
- E. Under no condition can any charge be made for the use of any of the facilities in the recreational area. Notwithstanding, the owners shall share the cost of the facility's operations and maintenance.
- F. Unless approved as part of the Planned Unit Development, no retail or business facilities shall be permitted in the recreational area.
- G. Club houses or any type of night-time indoor facilities will not be permitted in connection with such recreational and swimming pool facilities except as specifically approved as part of the Planned Unit Development.

Adopted by Ord. 374-15 on 11/18/2015

MEMORANDUM



TO: PLANNING COMMISSION

DATE: DECEMBER 6, 2019

FROM: BEN WHITE

RE: NONCONFORMING USES AND BUILDINGS CHAPTER 17.56

In the last two Planning Commission meetings we discussed staff's proposed changes to WBMC 17.56 – Non-conforming Uses and Buildings to clarify when, if, and how non-conformities can be expanded, moved or replaced.

The proposed changes clarify that:

1. Para. 17.56030(B) any movement or addition to a non-conforming structure will be in compliance with current requirements.
2. Para. 17.56.030 (C) Minor renovations and routine maintenance are exempt from requirements.
3. Para. 17.56.060 clarifies that if non-conforming structures were destroyed by fire, earthquake, etc. that they could be replaced in the same footprint.

The attached clean version, dated December 6, 2019, reflects the changes discussed by Planning Commission.

17.56 Nonconforming Buildings And Uses

17.56.010 Maintenance Permitted

17.56.020 Repairs And Alterations

17.56.030 Additions, Enlargements And Moving

17.56.040 Alteration When Parking Insufficient

17.56.050 Restoration Of Damaged Buildings

17.56.060 Continuance Of Nonconforming Use; Limitations

17.56.070 Effect Of Vacating A Nonconforming Building Or Ceasing A Nonconforming Use

17.56.080 Continuation Of Pre-Existing Nonconforming Use Permitted

17.56.090 Effect Of Change Of Use

17.56.100 Expansion Permitted; Limitations

17.56.110 Nonconforming Mobile Home Units

17.56.010 Maintenance Permitted

A nonconforming building may be maintained.

Adopted by Ord. 374-15 on 11/18/2015

17.56.020 Repairs And Alterations

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

Adopted by Ord. 374-15 on 11/18/201

5

17.56.030 Additions, Enlargements And Moving

- A. A building or structure occupied by a nonconforming use or a building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner, or moved to another location on the lot, except upon issuance of a permit as provided in subsection (B) of this section.
- B. A building or structure noncomplying as to height, area, or yard regulations to be added to, enlarged, or moved to a new location on the lot if:
 - 1. The proposed change will bring the nonconformity into compliance; or;
 - 2. In the case of an addition to or enlargement of a building or structure which is noncomplying as to a yard setback, that the addition or enlargement will not encroach into the required yard setback.
- C. This section shall not be used or construed to permit the encroachment of an addition or enlargement into any yard setback in which a noncomplying building or structure is not located.

Adopted by Ord. 374-15 on 11/18/2015

17.56.040 Alteration When Parking Insufficient

A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement.

Adopted by Ord. 374-15 on 11/18/2015

17.56.050 Restoration Of Damaged Buildings

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, may be restored. The occupancy or use of such building, structure or part thereof, which existed at the time of such damage or destruction may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion in conformance with the ordinances of the city within two years.

Adopted by Ord. 374-15 on 11/18/2015

17.56.060 Continuance Of Nonconforming Use; Limitations

A building used for a lawful and allowable use prior to the effective date of this zoning code, but which, after the effective date of said code, is nonconforming, may continue to be utilized for such nonconforming use unless the building is vacated or the use ceased for a continuous period in excess of three hundred sixty-five (365) calendar days. Land use for a lawful and allowable use prior to the effective date of this zoning code, but which, after the effective date of said code, is nonconforming may continue to be so used provided that such nonconforming use is not ceased for a continuous period in excess of three hundred sixty-five (365) calendar days. No such non-conforming use of land may in any way be expanded or extended, either in the same or on adjoining property, except as provided under Section 17.56.030.

Adopted by Ord. 374-15 on 11/18/2015

17.56.070 Effect Of Vacating A Nonconforming Building Or Ceasing A Nonconforming Use

A vacant building may be occupied by a use for which the building or structure was used, designed or intended, if so occupied within a period of three hundred sixty-five (365) calendar days after the use became non-conforming.

However, a building or portion thereof occupied by a nonconforming use which is, or hereafter becomes, vacant and remains unoccupied by said nonconforming use for a continuous period in excess of three hundred sixty-five (365) calendar days, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

Should a nonconforming use of land be ceased for a period in excess of three hundred sixty-five (365) calendar days, any future use of such land shall be in conformity with the provisions of this title, and the previously authorized nonconforming use is expressly prohibited.

Adopted by Ord. 374-15 on 11/18/2015

17.56.080 Continuation Of Pre-Existing Nonconforming Use Permitted

The occupancy of a building or use of land by a nonconforming use, existing on the effective date of the Revised Ordinances of West Bountiful 1965 and constituting a non-conforming use under the provisions of this title may be continued.

Adopted by Ord. 374-15 on 11/18/2015

17.56.090 Effect Of Change Of Use

The nonconforming use of a building or structure may not be changed except to a conforming use; but when such change is made, the use shall not thereafter be changed back to a nonconforming use.

Adopted by Ord. 374-15 on 11/18/2015

17.56.100 Expansion Permitted; Limitations

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

Adopted by Ord. 374-15 on 11/18/2015

17.56.110 Nonconforming Mobile Home Units

If a nonconforming mobile home is removed from the premises, it cannot thereafter be returned, except that:

- A. If such removal was upon order of the building inspector for correction of deficiencies or by decision of the owner for the purpose of correcting deficiencies within sixty (60) days; or
- B. A new mobile home may be moved on the premises if:
 - 1. Accomplished within sixty (60) days;
 - 2. The restored or new mobile home is owned by the same owner as the mobile home removed; and
 - 3. The mobile home is occupied for a continuous period of at least six months by the same occupant(s) as the mobile home removed.

Adopted by Ord. 374-15 on 11/18/2015

MEMORANDUM



TO: Planning Commission

DATE: December 6, 2019

FROM: Staff

RE: Zoning Recommendation for Goldberg Annexation Petition

The City has received a request for annexation from the Goldbergs and Kilpacks for a 5.14-acre parcel of land they own that is not currently in West Bountiful City boundaries. The property is located at approximately 1390 W 1200 North.

The City Council approves or denies all annexation requests. When a property is annexed, it is also assigned to a zoning designation. The Planning Commission is tasked with making zoning recommendations to the City Council.

The City Council is holding a public hearing on December 17th regarding the annexation. Staff anticipates the City Council will take action on the request during the same meeting.

The attached map identifies the property being considered for annexation superimposed on the City's current zoning map. Staff suggests that a recommendation to assign the property an A-1 designation would be appropriate based on the current surrounding zoning.

WEST BOUNTIFUL ZONING MAP PROPOSED ANNEXATION

Legend

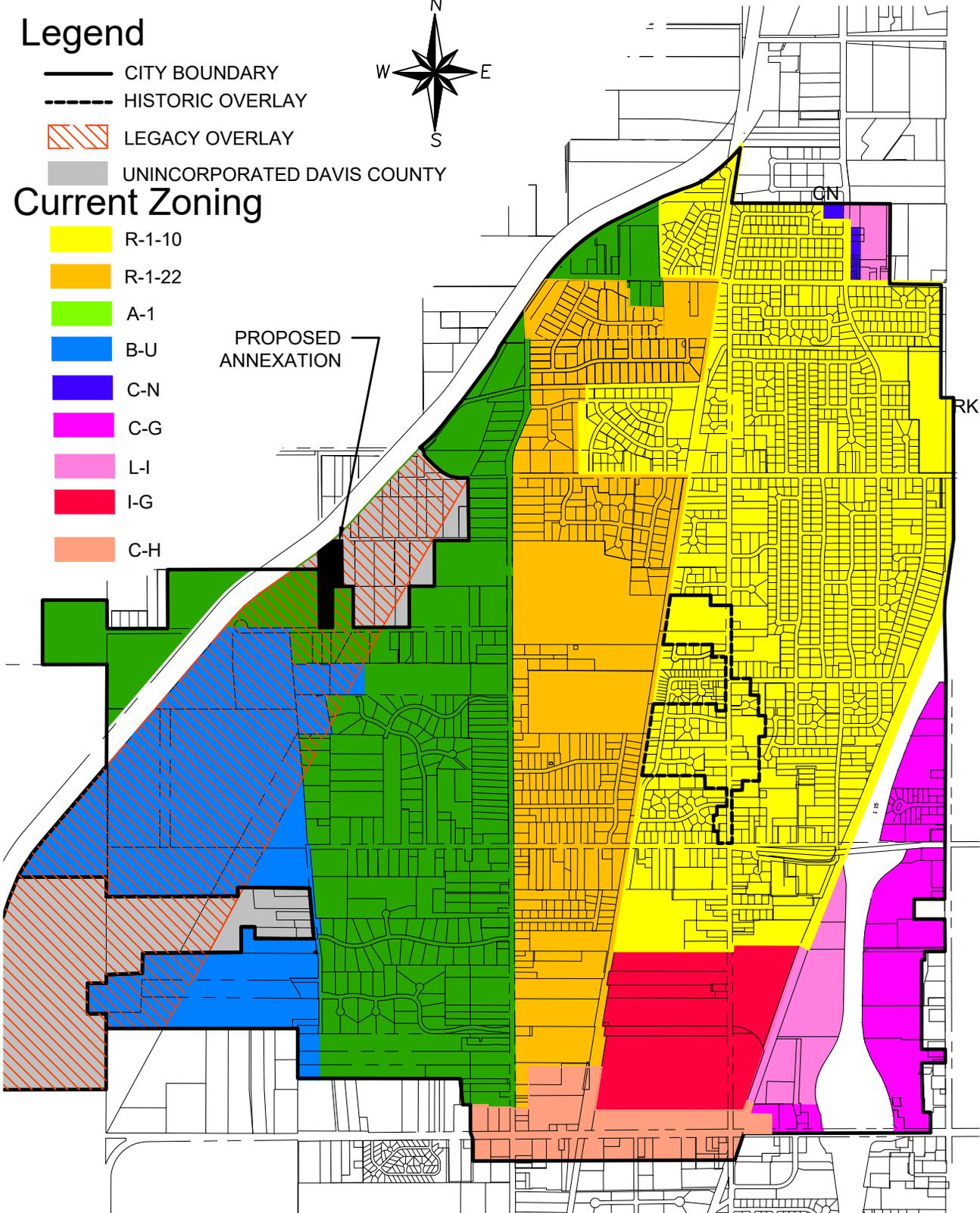
- CITY BOUNDARY
- HISTORIC OVERLAY
- LEGACY OVERLAY
- UNINCORPORATED DAVIS COUNTY



Current Zoning

- R-1-10
- R-1-22
- A-1
- B-U
- C-N
- C-G
- L-I
- I-G
- C-H

PROPOSED ANNEXATION



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

November 12, 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 November 8, 2019 per state statutory requirement.

6 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 12, 2019
7 at West Bountiful City Hall, Davis County, Utah.

8 **Those in Attendance:**

9 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan, Dee Vest, Laura Charchenko, Mike Cottle,
10 Corey Sweat, Council member Kelly Enquist

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

12 **VISITORS:** Gary Jacketta, Wendell Wild, Tyler Wild

13 The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Dee
14 Vest offered a prayer.

15 **1. Accept Agenda**

16 Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda. Mike Cottle
17 seconded the motion. Voting was unanimous in favor among all members present.

18 **2. Conditional Use Permit-Accessory Dwelling Unit – 731 West 845 North**

19 Commissioner packets included a memorandum from Ben White and Cathy Brightwell dated November 6,
20 2019 regarding an Accessory Dwelling Unit at 731 West 845 North with an attached Conditional Use
21 Permit Application and Site Plans.

22 Ben White explained that Mr. Wild has been issued a building permit to construct a new house in the
23 Stringham Farm subdivision. The house is designed in a way that by locking a single interior door, an
24 accessory dwelling unit (ADU) would be created. A conditional use permit would be required prior to
25 using the potential apartment as an ADU. Staff recommended that Mr. Wild obtain the Conditional Use
26 Permit for the ADU now for the simple reason that municipal and building codes change from time to time
27 and it would be unfortunate if future Code changes prohibited the ADU or required structural changes for
28 its approval.

29 WBMC Chapter 17.82 allows a conditional use for an ADU subject to the development standards
30 specifically listed in Section 17.82.050, and listed below.

- 31 A. **Location.** An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-
32 occupied single-family dwelling. *This condition is satisfied.*
- 33 B. **Number of Accessory Dwelling Units.** A maximum of one (1) ADU shall be allowed within or
34 attached to each single-family dwelling. No lot or parcel shall contain more than one ADU. *This*
35 *condition is satisfied.*
- 36 C. **Parking.** Adequate parking shall be made available to accommodate the residential use of an
37 ADU, subject to the residential use parking requirements. At least one (1) space shall be

- 38 designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete
39 pavers. *This condition is satisfied.*
- 40 D. **Utility Metering.** No separate utility metering for the ADU shall be allowed, and the utility service
41 shall be in the property owner's name. *This condition can be satisfied.*
- 42 E. **Size of Accessory Dwelling Unit.** An ADU shall contain a minimum of 300 square feet; provided,
43 that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities
44 comply with applicable provisions of this title and the current building codes adopted by the City.
45 *This condition is satisfied.*
- 46 F. **Construction Codes.** An ADU shall comply with the construction housing codes in effect at the
47 time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This
48 shall include the obtaining of a building permit or other permits as the codes may require. *This*
49 *condition will be satisfied as the house is constructed and inspected.*
- 50 G. **Architecture.** An ADU that is added onto an existing single-family dwelling or a new single-family
51 dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in
52 terms of the scattered placement of garage doors, carports, or number or location of outside
53 entries or porches. *This condition is satisfied.*
- 54 H. **Owner Occupied.** The owner of the property on which the ADU is located, as listed in the County
55 Recorder's Office, must reside on the property as their principal residence. At no time shall both
56 the ADU and the primary single-family dwelling be rented as separate units. *This condition can be*
57 *satisfied.*

58
59 Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an
60 affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the
61 neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of
62 Chapter 17.60 of this title.

63 **Commissioner's Comments:**

64 **Mike Cottle** asked if the utility metering for the property is on one unit for the whole dwelling. Mr. White
65 answered to the affirmative.

66 **ACTION TAKEN:**

67 ***Corey Sweat moved to approve the Accessory Dwelling Unit at 731 West 845 North for Tyler***
68 ***Wild with the following findings and conditions the proposed use at the particular location is***
69 ***necessary or desirable to provide a service or facility that will contribute to the general well-***
70 ***being of the neighborhood and the community; will not be detrimental to the health, safety, or***
71 ***general welfare of persons residing or working in the vicinity, or injurious to property or***
72 ***improvements in the vicinity; accompanying improvements will not inordinately impact schools,***
73 ***utilities, and streets; and conditions to be imposed in the conditional use permit will mitigate***
74 ***the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes***
75 ***of this subsection. Conditions that the applicant will construct the addition in such a manner***
76 ***that the Building Code requirements for a second dwelling unit are satisfied and will execute the***
77 ***Conditional Use permit which will also be recorded in the County Recorder's office. Alan Malan***
78 ***seconded the motion and voting was unanimous in favor.***

79
80

81 **3. Discuss Proposed Changes to WBMC 17.76- Private Swimming Pools**

82 Commissioner packets included a memorandum dated November 7, 2019 from Ben White regarding
83 WBMC 17.76 Private Swimming Pools with an attached copy of suggested changes discussed from last
84 meeting.

85 Semi-private pools are generally part of an active homeowner’s association with commonly owned
86 property and since common area can only be created within a Planned Unit Development (PUD), it
87 seemed appropriate to transfer the pool approval mechanism from a conditional use permit to a PUD
88 application.

89 Ben White explained there is not a lot of request for these in our City but can be requested as part of a
90 Planned Unit Development and should be part of our code as we are updating it.

91 He noted that at the last meeting they discussed that this would only apply for a PUD and after some
92 thought he decided there could be some cases where an individual lot could meet qualify even without a
93 PUD so he changed the language to Homeowner’s Association. A public hearing is necessary before this
94 document can be forwarded to the City Council.

95 **Commissioner’s Comments:**

96 **Alan Malan** is concerned that at some point the City may be required to assume responsibility for a HOA,
97 as has happened in the past. Chairman Hopkinson pointed out that if the HOA was defunct the property
98 would need to be sold to another property owner.

99 **Laura Charchenko** was concerned with the same issue as Commissioner Malan.

100 **Corey Sweat and Mike Cottle** supported the changes made in the document.

101 **Dee Vest** asked about language under “G” regarding vending machines. Ben White noted that the
102 language has been stricken.

103 This item is ready for a public hearing to be scheduled.

104 **4. Discuss Proposed Changes to WBMC 17.52 – Off -Street Parking**

105 Commissioner packets included a memorandum from Ben White dated November 7, 2019 regarding Off
106 Street Parking – WBMC 17.52 with a red-line copy of the document from the suggestion given during the
107 last meeting.

108 There was discussion about the size of stalls. Ben White explained that the proposed 9 ft wide stall is
109 industry standard and typical in the city. Staff would like a larger parking stall, but 9 foot is the minimum
110 and each business can choose what will work best for their individual situation. At present, Costco is the
111 only one in our city that has 10 ft. wide stalls. Some discussion took place regarding making a regulation
112 for different types of stores to have different requirements, such as a grocery store because of the
113 shopping carts and high turnover in the parking stalls. Mr. White prefers to let the business police
114 themselves and decide what their individual needs are. Corey Sweat is in favor of keeping things as simple
115 as possible.

116 **5. Discuss Proposed Changes to WBMC 17.56 – Nonconforming Uses and Buildings**

117 Included in the Commissioner’s Packet is a red/blue-lined copy of proposed changes to Chapter 17.56 -
118 Non-Conforming Uses and Buildings.

119 Ben White noted that he has included the discussed items for clarification in this document as requested
120 by the Commissioners.

121 Councilmember Enquist asked why we would allow a non-conforming building to be rebuilt if it was
122 destroyed. Mr. White explained that if a building is legal-nonconforming and it is destroyed, the
123 homeowner has a right to rebuild it in the same footprint. He explained the difference between non-
124 conforming and illegal buildings. He also noted that this would be more likely with older homes that were
125 built prior to new zoning requirements.

126 Commissioners are in support of this document as presented. This item is ready for a public hearing to be
127 scheduled.

128 **6. Discuss Proposed Changes to WBMC 17.08 – Zoning Administration, Construction and**
129 **Enforcement**

130 Commissioner packets included a memorandum dated November 8, 2019 from Ben White regarding Zoning
131 Administration, Construction and Enforcement - WBMC 17.08, and a copy of the City Nuisance ordinance,
132 WBMC Section 8.12 - *Nuisances*. The proposal is to add, “A. *Any violation of any of the provisions of this*
133 *Title is hereby declared a nuisance as defined and governed by Title 8.12 and is subject to all legal remedies*
134 *thereof*” to zoning code, Section 17.08.050 Legal Remedies For Violation.

135 Ben White researched similar size cities and other cities in our area and found that most cities have a part
136 time code enforcement officer that handles these issues. Those with successful programs are using a
137 process similar to what is suggested here. Fruit Heights being a smaller city has not been too successful
138 due to not having the staff in place to enforce things. North Salt Lake uses this process and they are
139 currently the court that handles West Bountiful violations. He provided background West Bountiful’s code
140 enforcement. When we had our court in place the prosecutor handled code violations. He identified
141 problems and negotiated compliance. When our prosecutor left with the court, staff was given the
142 responsibility to handle these problems but there is no clear process to get compliance.

143 **Commissioner Comments:**

144 **Chairman Hopkinson** has a lot of heartburn over a code enforcement officers. He feels that the police
145 department should be the vehicle used to enforce code.

146 Ben White informed them that the city council has funded the police department to have a part-time
147 position that would include code enforcement, but it is not clear exactly what or how much they would
148 do. Some discussion took place.

149 **Alan Malan** is adamant that putting this language in place is not the best way to handle this. Some
150 discussion took place about how to address nuisances. He feels that Elected Officials should be the one
151 to deem it a nuisance, not staff as this language automatically deems the offender as a nuisance. Ben
152 argues that the City Council puts the ordinance in place and the Staff is to fulfill the ordinance. He gave
153 an example of how this works.

154 **Corey Sweat** disagrees with the whole nuisance ordinance and sympathizes with Staff and what they
155 have to deal with. Some discussion took place. He is not in favor of having an individual go around and
156 look for nuisances and prosecute them.

157 **Laura Charchenko** provided examples of how this language could work well. Violators typically know
158 they are out of compliance especially when staff has already sent multiple warning letters. She agrees
159 this would help staff deal with the problem.

160 **Dee Vest** agrees with Alan Malan and Corey Sweat.

161 **Mike Cottle** is trying to sort things out and feels that it is a no-win situation.

162 **Chairman Hopkinson** clarified that we are looking at the non-criminal part of the nuisance ordinance
163 and this proposal will serve to give staff more legal ramifications to deal with non-criminal issues. He
164 would like to have the Chief of Police come and describe his vision of how a code enforcement officer
165 would function and describe what, when and how they would proceed with the process.

166 Ben White pointed out the language in the current Nuisance ordinance 8.12.060 and 8.12.070. Staff is
167 just asking for a process that they can have in place that will bring people into compliance. Under the
168 current system, there is no way to enforce our code, so why should we both to have one. Corey Sweat
169 still feels that this would take away individuals due process in the way this code is written. Further
170 discussion took place. Laura Charchenko continued to try to explain how the nuisance ordinance is a
171 good avenue to have in place.

172 **Chairman Hopkinson** tried to clarify the definitions and processes in the nuisance ordinance in 8.12.060
173 to clear up the misunderstandings he feels are among some of the Commissioners. Some
174 Commissioners fear that this will turn into an enforcement person being able to hunt down nuisances
175 instead of nuisances being turned in to start the process. They would like language placed into the
176 document as to what the officer can and cannot do to enforce the code. The fears are stemming from
177 past experiences. Mr. Malan shared some of the things he has seen happen in past that he considers
178 harassment. Chairman Hopkinson pointed out that this was in a day before our City was fully staffed.
179 Mr. White tried to give Commissioners confidence in the way our Staff would handle things now and
180 reminded them that their concerns are with sections of the nuisance ordinance that are already in
181 place. He reminded them that the discussion this evening should not be about the nuisance ordinance
182 but about the proposal to give staff process options regarding Zoning Administration, Construction and
183 Enforcement.

184 **Alan Malan** continues to feel the language should be changed to having the City Council declare the
185 nuisance. Corey Sweat suggested language be included in the definition of the enforcement officer as
186 far as qualifications and a due process.

187 **Councilmember Enquist** insured them that they will do their best to resolve the issue in the least
188 intrusive way.

189 **Laura Charchenko** reminded everyone that they are not discussing the nuisance ordinance but rather
190 zoning enforcement and the need to have a workable process in place.

191 **Mike Cottle** feels the enforcement officer should not be allowed to be the judge and jury.

192 **Chairman Hopkinson** would like to see a document that outlines the whole process. Ben explained that
193 we have not had the mechanisms in place to fulfil the whole process through issuing the citation.
194 Chairman Hopkinson reiterated the concerns of some of the Commissioners.

195 Mr. White explained that he has been directed to schedule a public hearing for the next meeting.
196 Chairman Hopkinson told him not to schedule a hearing but to bring more information back at the next
197 meeting.

198 **7. Staff Report**

199 **Ben White**

200 The well is being pump tested this week pumping 1000 to 2000 gallons a minute. This is as good as
201 they expected.

202
203 **Cathy Brightwell**

- 204 • The County website with Election results crashed on Election night. The problem has been
205 identified and fixed. Final tallies will not be available until the canvass on November 19. Cathy
206 reported that there was a very high turn-out. James Ahlstrom, Rod Wood and James Bruhn are
207 the winning candidates. There may still be some votes coming in but not enough to affect the
208 outcome of the election.
- 209 • Cathy asked the Commissioners if they want to hold the Planning Commission meeting the week
210 of Thanksgiving? At present there is not much business to be discussed. The consensus was if
211 business needs to be addressed the meeting will be held. Staff will let them know.

212
213 **8. Consider Approval of Minutes from October 22, 2019 meeting.**

214 **ACTION TAKEN:**

215 *Corey Sweat moved to approve of the minutes of the October 22, 2019 meeting as presented. Laura*
216 *Charchenko seconded the motion and voting was unanimous in favor.*

217 **9. Adjourn:**

218 **ACTION TAKEN:**

219 *Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:20 pm.*
220 *Laura Charchenko seconded the motion. Voting was unanimous in favor.*

221

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

224 _____

225 *Cathy Brightwell – City Recorder*