

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

THIS MEETING WILL BE HELD ELECTRONICALLY ONLY

JOIN ZOOM MEETING: MEETING ID: 857 1759 6964

<https://us02web.zoom.us/j/85717596964>

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+1 312 626 6799 US (Chicago) Find your local number: <https://us02web.zoom.us/j/85717596964>
Meeting ID: 857 1759 6964

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD
ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 12, 2020**

Prayer/Thought by Laura Charchenko

1. Accept Agenda.
2. Public Hearing - Request to Remove Property from Historic District – Winegar 788 N 800 W.
3. Consider Request to Remove Property at 788 N 800 West from Historic District.
4. Discuss Petition for Land Use Code Text Change for Cannabis Production Establishment by Wholesome Therapy.
5. Discuss Proposed Changes to Restrictions for Flag Lots on Dead-end Streets.
6. Discuss Proposed Changes to Uses in the A-1 Zone including Non-Commercial Structures.
7. Public Hearing to Consider Proposed Changes to Title 16 Subdivision Timelines.
8. Consider Changes to Title 16 Subdivision Timelines.
9. Consider Additional Changes to Off-street Parking Ordinance, WBMC 17.52.
10. Staff report.
11. Approve Meeting Minutes from April 28, 2020.
12. Adjourn.

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 May 8, 2020 by Cathy Brightwell, City Recorder.

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Dee Vest, Alt.

NOTICE OF PUBLIC HEARING

A public hearing will be held electronically via Zoom by the West Bountiful Planning Commission on Tuesday, May 12, 2020 beginning at 7:30 p.m., or as soon thereafter as the agenda allows.

The purpose of the hearing is to receive public comment regarding a request to remove the property at 788 N 800 West from the West Bountiful Historic Overlay District.

A complete description of the Request is available for review at www.WBCity.org under the Public Notice tab.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting.

Cathy Brightwell
City Recorder

Join Zoom Meeting

<https://us02web.zoom.us/j/85717596964>

Meeting ID: 857 1759 6964

One tap mobile

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+1 646 876 9923 US (New York)

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+1 312 626 6799 US (Chicago)

Meeting ID: 857 1759 6964

Find your local number: <https://us02web.zoom.us/u/k0g1n1wGE>



APPLICATION TO REZONE/CHANGE TEXT

West Bountiful City PLANNING AND ZONING 550 N 800 W West Bountiful, UT 84087 (801) 292-4486 www.WBCity.org

PROPERTY ADDRESS: 788 N. 800 W. DATE OF APPLICATION: 4-23-2020

PARCEL NUMBER: CURRENT ZONE: R-1-1011^{Historic} PROPOSED ZONE:

LEGAL DESCRIPTION ATTACHED: YES (No)

Applicant Name(s): Adam Winegar

Applicant Address (if different than above):

Primary phone: 801-604-9657 E-mail address: winegar12@yahoo.com

Describe in detail the request for which this application is being submitted and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

See attached letter

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 4-23-2020

Applicant Signature: [Handwritten Signature]

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: fd tcb

Public Hearing Date: 5/12/2020

Letters sent to affected neighbors: 5/1/2020

City Council Approval:

Planning Commission Approval:

April 23, 2020

To Whom it May Concern-

Over the last year, I have been working towards building a new, safe garage for my home located at 788 North 800 West. I originally started by discussing my plans with the, then, West Bountiful City Engineer several different times to make sure that the location, structural size, and design would be to the satisfaction of West Bountiful city code. He assured me multiple times that it would be approved as designed and in the location. Since this time, I have had to have many back and forth conversations regarding the building of this garage on my property. Due to the requests of the historical committee and following city code, we are finding it impossible to get this garage built. As such, we are officially requesting to be removed from the historic district in West Bountiful. Below are the reasons, we feel that it will not only benefit our family, as long time residents of West Bountiful, but will benefit current and future residents.

The location of the new garage is in the ideal space for the location of the house. With putting the new structure on the new site plan it will allow us to provide a more ideal and safe backyard for our family. Due to the current garage set up, our "backyard" is made up of mostly side and front yard. Over the 97 years this home has been in existence, 800 West has become increasingly unsafe due to the busyness of the street and crime rates always increasing. As homes are constantly being built West of 800 West and traffic from the school, the street has a constant busy traffic flow. We have felt it unsafe to let our daughter and other children (many of whom are residents of West Bountiful) safely play in the yard without constant watch and fear for their safety. With the location of the new structure on the side of the house it will allow us to fully enclose a backyard and provide safety for our daughter and children around West Bountiful who have enjoyed coming to our home and playing with our daughter.

To make the new garage match the existing, historic home, we will be using the brick from the existing garage on the front of the new garage, which will match the house exactly. We will also be putting in double pane, white windows with white trim around it on the new garage; the same color and windows that the house has. The rest of the garage will have hardy siding put on it that will be painted to match the house. The garage door and fixtures will be standard roll up metal doors that meet today's building codes. The same that has been used in all the new builds in the subdivision across the street that are also in the historic district. This does not seem to meet the needs of the historic committee's desires, even though it complies with the majority of what they have been requesting. However, because their requests don't match up with city code requests, it is impossible for us to make both parties happy, while also being able to provide our home with a much needed, usable garage and storage space. In short, current city code does not comply with historic architectural design.

Please note, the current garage is a very unsafe structure. We have attempted to make it structural sound, with no luck. We are very concerned, especially if another earthquake occurs, that it will fall down. It is not a matter of if it will, but when it will. The foundation for the structure is cracking and many cracks are beginning to run the wall. No matter what, for many safety reasons, the current garage

cannot be used much longer and needs to be replaced. The new structure will be much safer and usable as an actual garage.

It is to my understanding that historic district boundaries have been altered or intentionally left out of historic buildings because of reasons I can only speculate. I will provide examples of what I am talking about. All of these examples are homes on 800 west, where you can see that the historic district boundaries conveniently go around the homes that should be considered in the historic district. The first one is at 780 West 400 North, where the home was built in 1899. It has a detached two story garage that does not meet historic requirements. Second, the home at 965 North 800 West is out of the boundaries for no reason that I can tell. Third, the home on 887 North 800 West was built in 1925. Over the years, the owner has purchased multiple lots next to him that were in the historic district. Because he wanted to add onto his house multiple times the boundaries of the historic district conveniently haven't applied to this individual. I find it interesting that the boundaries in the historic district conveniently go around homes, that otherwise should be in the boundaries and held to the same standard we are being held to. I did want to note that my current house was built in 1923 and we did not choose to have our house put into the historic boundaries.

As long-term residents of West Bountiful City, we have always appreciated the small-town feel the city has. We love living here and look forward to continuing to raise our children here. We feel strongly that West Bountiful City should remove our home from the historical district, strictly based on safety concerns for our family and others in West Bountiful with our current garage and yard set up. Due to the complications between city code requests and requests from the historical committee, we do not see any other way than to be removed from the historic district. Due to our expanding family and the growth in West Bountiful, we need more space that is livable and "user friendly." Please note that when we are removed from the historic district, we will still ensure that the new garage will match the existing home by utilizing the plans discussed above. Thank you for your time.

Sincerely,

Adam Winegar
788 N 800 West



MEMORANDUM

TO: Planning Commission

DATE: May 8, 2020

FROM: Duane Huffman

RE: **Petition for Land Use Code Text Change For Cannabis Production Establishment**

This memo:

- 1) Introduces a petition filed by *Wholesome Therapy (Cannabis Cultivation) & Canyon 100 N Bountiful, L.C.* for a change to the city's land use code adding "Cannabis Production Establishments" as a permitted or conditional use to certain zones within the city;
- 2) Reviews applicable requirements as found in state regulations related to cannabis;
- 3) Provides the planning commission with a list of items to contemplate as the petition is considered.

Petition Filed By Wholesome Therapy

An application to change the city's land use code text was submitted by Wholesome Therapy on May 1, 2020. As part of the application, Wholesome Therapy invoked the timeline requirements related to petitions involving cannabis production facilities as found in UCA § 10-9a-528(3)(b). The full request is attached with this memo.

The proposed text change would:

- a. Add "Cannabis Production Establishment [as defined by Utah Code]" as a permitted use to the A-1 and L-I zones.
- b. Add "Cannabis Production Establishment [as defined by Utah Code]" as a conditional use to the C-G zone.
- c. Add "Medical Cannabis Pharmacy [as defined by Utah Code]" as part of the already included permitted use of "Drug Store" in the C-G zone.

Included in the justification for the text change, the applicant states that the change is intended to make possible a cannabis production establishment at 580 W 100 N (known as the Carr Building), along with a medical cannabis pharmacy at the same location. It appears that the applicant would cultivate, process, and retail the product all on site, which would require three separate licenses from the state.

The application includes explanations as to why Wholesome Therapy believes that the referenced location and existing building are suitable for the requested uses.

Utah Regulations – Cannabis

Statewide requirements related to cannabis are found in the Utah Code. The following is a summary of applicable regulations on this matter:

- A. UCA § 10-9a-528(3)(b) requires that the city act within 45 days after a petition is made to “prepare and adopt a land use regulation, development agreement, or land use decision” that conforms with state code.
 - i. This means that West Bountiful City has until June 15, 2020 to either enact an ordinance that regulates cannabis production establishments or make a land use decision on the application consistent with current state code.
- B. UCA § 4-41a-102 defines Cannabis Production Establishments as meaning “a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.” This definition is a combination of three separately defined and separately state licensed types of entities.
 - i. Under the current request, all three uses would be permitted uses within the A-1 and L-I zones, and a conditional use within the C-G zone.
- C. UCA § 4-41a-406 reviews local control over all three types of cannabis production establishments. Because it is so applicable to the current request, the code is attached in whole to this memo.
 - i. Unless West Bountiful otherwise designates by ordinance before June 15, 2020, all three types of cannabis production establishments will be permitted uses within each industrial zone (L-I and I-G). The city may designate just one of these zones if it so chooses.
 - ii. Unless West Bountiful otherwise designates by ordinance by June 15, 2020, all three types of cannabis production establishments will be permitted uses within any agricultural zone in the city (currently, only the A-1 zone). To avoid this result, the city would need to create a new agricultural zone, clarify that the current A-1 zone is not an agricultural zone, or both.
 - iii. It is important to note that state code does not require that a city allow cannabis production establishments within a commercial zone.
- D. UCA § 26-61a-507 reviews local control over a medical cannabis pharmacy. It is also attached to this memo.
 - i. Such pharmacies are a permitted use “in any zone, overlay, or district within the municipality except for a primarily residential zone.”
 - ii. A municipality may enact an ordinance that governs the time, place, or manner of medical cannabis pharmacy operations in the municipality (as long as it doesn’t conflict with the state code).

- iii. Under this language, a medical cannabis pharmacy is likely already a permitted use in all zones except the R-1-10 and R-22-zones. It will be allowed at the Carr Building. The proposed text change would essentially clarify that West Bountiful is not enacting any additional “time, place, or manner” regulations.

Items for Planning Commission Consideration

- 1) Timing – As state code provides minimal timing for a decision to be made, a public hearing is planned for the May 26th meeting. As you know, a public hearing is required for any text amendment or zone change. The planning commission should do whatever is necessary to have a recommendation for the city council at that meeting. Staff is working to prepare a proposed medical cannabis ordinance for consideration at the same meeting.
- 2) Agricultural and Industrial Zones – Should actions be taken to limit cannabis production establishments to one of the city’s industrial zones, or are they appropriate for both zones? **Should any modifications be made to the number or type of agricultural zones or to the current areas considered “agricultural” to limit the areas wherein these facilities may locate?** For example, should the city create an “R-1-43” zone in which agriculture is a permitted use, but the primary purpose of the zone is large lot (1 acre) residential?
- 3) Pharmacies – Is there any interest in enacting time, place or manner regulations on medical cannabis pharmacies? It should be noted that state regulations currently include a significant number of these types of regulations (signage, operations, etc.).
- 4) Commercial Zone – Would allowing cannabis production facilities within the C-G zone be in the best interest of the community? Does it fit within the principals of the general plan? Does it fit within the stated purpose of the C-G zone? It is important to note that if the use is inserted within the C-G zone, it would be permitted throughout the zone, and not just in the Carr Building.
- 5) The Carr Building – If the planning commission is concerned with allowing cannabis production facilities within the full C-G zone, but believes that the Carr Building property may be suitable, would it consider changing the zone of the Carr Building to an industrial zone? Given the very limited commercial space within the city, is it in the community’s best interest to make this kind of change?
- 6) Proximity Regulations—State law prohibits the location of a cannabis production establishment within 1,000 feet of a community location, which is defined as including a public or private school. Does the planning commission consider the Kumon Center a private school?

Finally, to be prepared for a public hearing and subsequent recommendation at the May 26th meeting, what additional information does the commission need? What type of language would you like drafted for purposes of a recommendation?

Effective 9/23/2019

4-41a-406 Local control.

(1) As used in this section:

- (a) "Land use decision" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
- (b) "Land use permit" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
- (c) "Land use regulation" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.

(2)

- (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the operation of a cannabis production establishment shall be a permitted industrial use in any industrial zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one industrial zone in which the operation of a cannabis production establishment is a permitted use.
- (b) If a municipality's or county's zoning ordinances provide for an agricultural zone, the operation of a cannabis production establishment shall be a permitted agricultural use in any agricultural zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one agricultural zone in which the operation of a cannabis production establishment is a permitted use.
- (c) The operation of a cannabis production establishment shall be a permitted use on land that the municipality or county has not zoned.

(3) A municipality or county may not:

- (a) on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis, deny or revoke:
 - (i) a land use permit to operate a cannabis production facility; or
 - (ii) a business license to operate a cannabis production facility;
- (b) require a certain distance between a cannabis production establishment and:
 - (i) another cannabis production establishment;
 - (ii) a medical cannabis pharmacy;
 - (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
 - (iv) an outlet, as that term is defined in Section 32B-1-202; or
- (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use regulation against a cannabis production establishment that was not in effect on the day on which the cannabis production establishment submitted a complete land use application.

(4) An applicant for a land use permit to operate a cannabis production establishment shall comply with the land use requirements and application process described in:

- (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, including Section 10-9a-528; and
- (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act, including Section 17-27a-525.

Amended by Chapter 5, 2019 Special Session 1

Effective 9/23/2019

26-61a-507 Local control.

- (1) The operation of a medical cannabis pharmacy:
 - (a) shall be a permitted use:
 - (i) in any zone, overlay, or district within the municipality or county except for a primarily residential zone; and
 - (ii) on land that the municipality or county has not zoned; and
 - (b) is subject to the land use regulations, as defined in Sections 10-9a-103 and 17-27a-103, that apply in the underlying zone.
- (2) A municipality or county may not:
 - (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the legal status of cannabis, deny or revoke:
 - (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to operate a medical cannabis pharmacy; or
 - (ii) a business license to operate a medical cannabis pharmacy;
 - (b) require a certain distance between a medical cannabis pharmacy and:
 - (i) another medical cannabis pharmacy;
 - (ii) a cannabis production establishment;
 - (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
 - (iv) an outlet, as that term is defined in Section 32B-1-202; or
 - (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use regulation against a medical cannabis pharmacy that was not in effect on the day on which the medical cannabis pharmacy submitted a complete land use application.
- (3) A municipality or county may enact an ordinance that:
 - (a) is not in conflict with this chapter; and
 - (b) governs the time, place, or manner of medical cannabis pharmacy operations in the municipality or county.
- (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall comply with the land use requirements and application process described in:
 - (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, including Section 10-9a-528; and
 - (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act, including Section 17-27a-525.

Amended by Chapter 5, 2019 Special Session 1



West Bountiful City

PLANNING AND ZONING

APPLICATION

TO

West Bountiful, UT550 N 800 W 84087

REZONE/CHANGE TEXT

(801) 292-4486

www.WBCity.org

PROPERTY ADDRESS: 580 W. 100 N., West Bountiful, UT. 84010 **DATE OF APPLICATION:** 4/30/20

PARCEL NUMBER: 06-039-0128 **CURRENT ZONE:** C-G **PROPOSED ZONE:** C-G Conditional Use

LEGAL DESCRIPTION ATTACHED: YES NO

Applicant Name(s): Wholesome Therapy (Cannabis Cultivation) & Canyon 100 N Bountiful L.C.

Applicant Address (if different than above): 476 Heritage Park Blvd, Layton, UT. 84031

Primary phone: (404) 556-1111 E-mail address: smaxski@mac.com

Primary phone: (801-776-8111 E-mail address: dino@durbanogroup.com

Describe in detail the request for which this application is being submitted and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

(SEE ATTACHED)

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 5/1/20

Applicant Signature:

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: May 1, 2020 Public Hearing Date: May 26, 2020

Letters sent to affected neighbors: _____

Planning Commission Approval: _____

City Council Approval: _____

PROPOSED TEXT CHANGE/AMENDMENT

The “Applicant,” Wholesome Therapy, would like to propose the following text change/amendment to the [West Bountiful Municipal Code §17.16.020](#) (Agricultural District, A-1, Permitted Uses); [§17.32.020, 030](#) (Commercial General District, C-G, Permitted and Conditional Uses); and [§17.36.020](#) (Light Industrial District, L-I, Permitted Uses):

§17.16.020 – Agricultural District, A-1, Permitted Uses:

“F. Cannabis Production Establishment as defined by Utah Code Ann. §4-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

§17.32.020 – Commercial General District, C-G, Permitted Uses:

“B. Drug Store, including Medical Cannabis Pharmacy as defined by Utah Code Ann. §4-41a-102;

§17.32.030 – Commercial General District, C-G, Conditional Uses:

“N. Cannabis Production Establishment as defined by Utah Code Ann. §4-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

§17.36.020 – Light Industrial District, L-I, Permitted Uses:

“J. Cannabis Production Establishment as defined by Utah Code Ann. §4-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

NOTICE: This application for a text change shall also constitute a “**petition**” as described in [Utah Code Ann. \(“UCA”\) § 10-9a-528\(b\)\(i\)](#), which states:

“(3)(a) Within the time period described in Subsection (3)(b), a municipality shall prepare and adopt a land use regulation, development agreement, or land use decision in accordance with this title and:

- (i) regarding a cannabis production establishment, **Section 4-41a-406**; or
- (ii) regarding a medical cannabis pharmacy, **Section 26-61a-507**.

(b) A municipality shall take the action described in Subsection (3)(a):

- (i) before January 1, 2021, **within 45 days** after the day on which the municipality receives a **petition** for the action; and
- (ii) after January 1, 2021, in accordance with Subsection 10-9a-509.5(2).”

Id. (emphasis added); *see also* UT St §17-27a-525.

REASONS THE PROPOSED TEXT CHANGE/AMENDMENT IS APPROPRIATE AND NECESSARY

Utah recently adopted the *Hemp and Cannabinoid Act* (“**HCA**”; UCA §4-41, *et seq.*, effective 5/14/2019) as well as *Cannabis Production Establishments* (“**CPE**”; UCA §4-41a, *et seq.*, effective 12/3/18) providing for the cultivation, processing and sale of medical cannabis statewide.

Pursuant to HCA §10-9a-528(b)(i), as cited above, West Bountiful City has yet to adopt/amend its zoning regulations to comply with CPE §4-41a-406. Consequently, this application will also serve as a “petition” to West Bountiful City to amend/adopt the appropriate zoning regulations to comply with the HCA and CPE, as proposed above. It also serves the dual purpose of qualifying the Applicant, Wholesome Therapy, for the necessary permitted and conditional use permit under West Bountiful City Code §17.32.030 as proposed above—permitted use for the Medical Cannabis Pharmacy and conditional use for the Cannabis Production Establishment under the proposed C-G amendments above.

Wholesome Therapy has been approved by the State’s Department of Agriculture to open and operate a Medical Cannabis Pharmacy as defined by the HCA and CPE. In order to operate its pharmacy efficiently and economically, the Applicant needs approximately 18,400sqft to also operate as a Cannabis Production Establishment, as defined by Utah Code Ann. §4-41a-102. Cannabis Production Establishments are defined by the CPE to permit “cultivation” and “processing” of cannabis for medicinal purposes. See [Utah Code Ann. §4-41a-102\(7\)](#).

The location of this cannabis production is being proposed in the back of the same building as the Medical Cannabis Pharmacy which shall be located at 580 W 100 N, West Bountiful City (The “Carr Printing Building” or “Carr Building”). This would allow them to occupy 18,400sqft of currently unusable space in the back of this building for cannabis cultivation and processing for the very limited purpose of supporting their Medical Cannabis Pharmacy. Both the pharmacy and production establishment would be heavily regulated by the State. The Applicant would follow all state mandated protocols, which are very robust. The location would be highly secure and the public would not even know it was there. There are no windows and only two doors that would access this area at the back of the building.

The Carr Building is currently in the C-G zone, however. Consequently, the proposed text amendment to that zone’s conditional uses is necessary to allow the Applicant’s production establishment to operate in the back of the building.

By way of background, Carr Printing, LC, has operated out of the Carr Building for decades—long before the current zoning map was enacted. The Carr Building was originally zoned as Light Industrial (L-I). The permitted uses of which would have allowed for Cannabis Production Establishments under the HCA and CPE today had it remained L-I. Point being that allowing the Applicant’s Cannabis Production Establishment to operate in the back of the Carr Building is not far afield from the Carr Building’s original zoned purpose and current uses. Carr Printing’s printing business is technically Light Industrial but was grandfathered in after the building was rezoned to C-G. Carr Printing still operates there today under a non-conforming use permit. Being that the Carr Building always has been and is currently used by Carr Printing for L-I services, there doesn’t appear much, if any, additional harm, risk or danger in allowing Applicant’s Cannabis Production Establishments—another L-I permitted use according to the CPE—as a conditional use under C-G.

Another reason to adopt the proposed language and grant the requested conditional use is that the 60,000sqft Carr Building cannot support parking for 60,000sqft of retail business. By rezoning it to C-G, the City unintentionally made it impossible to comply with the City’s parking space requirements for retail (§17.52.040). Retail space requires anywhere from 1:100 to 1:200 stalls/sqft, which would require between 300 to 600 stalls. The Carr Building, which was built decades ago in an L-I zone, only has 100 stalls. In other words, current C-G parking requirements could only ever allow for 10,000 to 20,000sqft of retail space, or up to a third of the building. In order to satisfy C-G parking requirements, the building

would have to be torn down and rebuilt to either reduce its square footage or to provide enough parking. That is simply not an option. There is another solution, however. Adopting the proposed text changes and granting the Applicant a conditional use permit to use 18,400sqft of space as a Cannabis Production Establishment as a supplement/support space for its permitted retail space would largely eradicate this issue since the Applicant's Cannabis Production Establishment would not require much, if any, additional parking stalls while occupying nearly a third of the building. Applicant will already have enough parking for its employees and customers as a part of its Medical Cannabis Pharmacy.

Not only are the proposed text changes necessary to comply with the HCA and CPE but granting the Applicants petition will also provide an efficient, simple solution to the parking issue created when the City rezoned the Carr Building, all without increasing the burdens or risks to the community at large.

Furthermore, granting the Applicant's petition allows the City to keep the building in the C-G zone and bring more retail to the area, increasing revenue for the City. It also allows the building owner to make great use of an unusable portion of the building.

Granting this petition/text change is a win-win for the City, its residents and for the Applicant, Wholesome Therapy as an excellent solution to the unique issues surrounding the Carr Building. We hope you will adopt the proposed text change language above and also issue the C-G Conditional Use Permit Application submitted on April 15th by Wholesome Therapy.

NOTE: Cannabis cultivation, processing and medical cannabis pharmacies are highly regulated by requiring secure facilities—no windows—with preferred out of sight and fully enclosed premises. The Carr Building is a near perfect fit and a rarity in what otherwise is an accommodating retail property.

WEST BOUNTIFUL CURRENT ZONING MAP

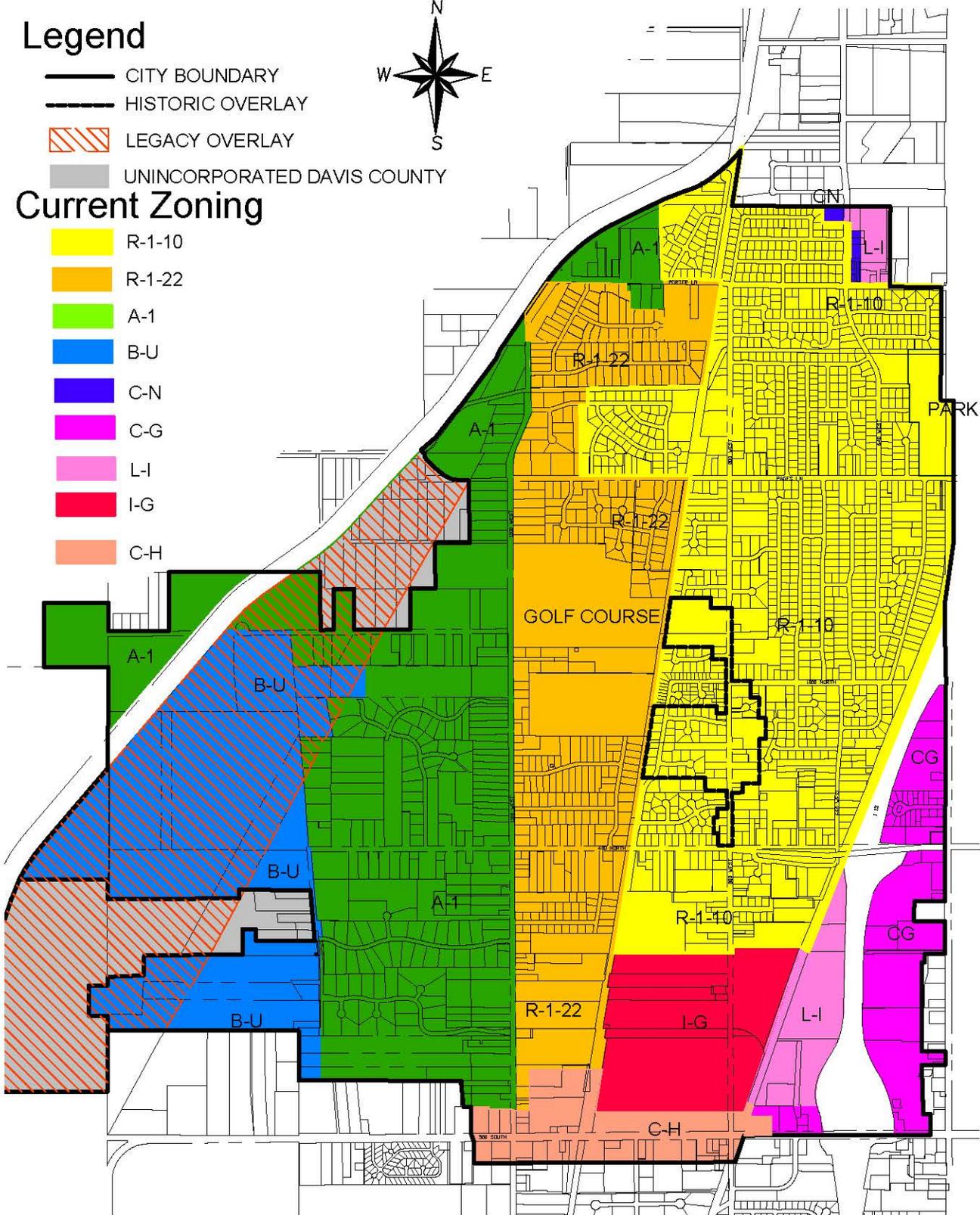
Legend

-  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



MEMORANDUM



TO: Planning Commission

DATE: May 8, 2020

FROM: Cathy Brightwell, Duane Huffman

RE: Restrictions for Flag Lots on Dead-End Streets

Planning commission has been discussing restrictions for flag lots on dead end streets after a resident requested a flag lot be included as part of a subdivision he is proposing at 1390 W 1200 North.

WBMC 16.12.060.5 states, *the staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or **dead end streets**.*

Commissioners agree that a dead end street and cul-de-sac are similar. The primary difference is that one is intended to remain permanently closed and the other may or may not remain permanently closed.

The maximum length of a cul-de-sac is 400 feet. To recognize the same maximum length when determining where the staff of a flag lot can begin on a dead end street, it is proposed that the flag lot staff be allowed anywhere beyond 400 ft from the end of a dead end street.

WBMC 16.12.060.5 is proposed to change as follows: *"the staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or **within four-hundred feet of the end of a dead end street. If the dead end street has a turnaround at the closed end, the distance will be measured from the center of the turnaround.***

Commissioners suggested staff add a definition of dead end street which is provided below.

WBMC 16.04.020 Definitions:

Current: "Cul-de-sac" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround.

Add new: ***"Dead end street" means a street with only one way in or out. It may or may not have a turnaround for vehicles at the closed end.***

If the commission has no objections to this proposal, it will be reviewed by Mr. Doxey prior to the public hearing scheduled for May 26, 2020.

MEMORANDUM



TO: Planning Commission

DATE: May 8, 2020

FROM: Cathy Brightwell, Duane Huffman

RE: A-1 Uses, including Storage Structures

As discussed in previous planning commission meetings, the A-1 zone allows both residential and agricultural uses which has become an issue for property owners who use their property for non-agricultural storage and do not have a house on the property.

An earlier proposal to add “accessory structure” was found not to be a workable option since it retains the concept of accessory structures being “on the same lot *with*, and of a nature customarily *incidental and subordinate to, the principal use or building.*”

An alternative suggestion was made to use the term “**non-commercial structure**” to allow for buildings on a property where no residential dwelling exists. At your request, Mr. Doxey drafted a definition that describes restrictions on the building and requires an agreement between the city and owner that will be recorded against the property.

One issue to consider is whether the setbacks applied to this building are the standard residential dwelling setbacks (30’ front and rear’, 10’ – 14’ side), or accessory structure setback (3’-6’ side and rear).

If, in the future, the property owner chooses to change the use of the building, for example, making it an accessory structure by adding a dwelling or making it a dwelling, the agreement can be modified if standard regulations including setbacks can be met.

A redline version of the A-1 zoning code is attached that includes this term as a Permitted Use and includes a proposed definition. A public hearing is scheduled for May 26, 2020.

17.16 Agricultural District, A-1

17.16.010 Purpose

The purpose of providing the agricultural district A-1 is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

17.16.020 Permitted Uses

The following uses are permitted in the agricultural districts A-1:

1. Agricultural;
2. Single family dwelling;
3. Farm Animals;
4. Home Occupations;
5. Residential facility for persons with a disability; and;
6. **Non-commercial structure.**

17.16.030 Conditional Uses

The following uses are conditional in the agricultural district A-1:

1. Equestrian facilities, commercial stables;
2. Public or quasi-public uses;
3. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
4. Flag lots;
- ~~5. Natural resource extraction;~~
- ~~6.5. Residential facility for elderly persons;~~
- ~~7.6. Kennels (pursuant to Chapter 5.28 Home Occupations);~~
- ~~8. Residential facility for Elderly Persons;~~
- ~~9.7. Accessory Dwelling Units (ADU); and~~
- ~~10.8. _____ Restricted Lots (see definitions, Section 17.04.030);~~

17.04.030 Definitions

“Non-commercial structure” means a structure that: (1) is not designed or used for commercial purposes, (2) is not designed or used as a dwelling, (3) is not accessory to a principal building or use on the same lot, and (4) is not a landscape enhancement such as an arbor or trellis. Such conditions will be stipulated by a recorded agreement running with the land between the city and property owner.

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
Dee Vest, Alt.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the West Bountiful Planning Commission on Tuesday, May 12, 2020 electronically via Zoom beginning at 7:30 p.m., or as soon thereafter as the agenda allows.

The purpose of the hearing is to receive public comment regarding proposed changes to Subdivision Timelines in WBMC 16.16.030.O Subdivision Final Plat and 16.28.070.E Subdivision Drainage Plan.

A complete description of the changes is available for review at www.WBCity.org under the Public Notice tab. All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting.

Cathy Brightwell
City Recorder

Join Zoom Meeting

<https://us02web.zoom.us/j/85717596964>

Meeting ID: 857 1759 6964

One tap mobile

+12532158782,,85717596964# US (Tacoma)

+13462487799,,85717596964# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 857 1759 6964

Find your local number: <https://us02web.zoom.us/j/85717596964>

MEMORANDUM



TO: Planning Commission
DATE: May 8, 2020
FROM: Cathy Brightwell
RE: Subdivision Timelines

Extending deadlines for subdividers to record a final plat has been discussed by planning commission for several months. The proposed changes below allow two six-month extensions when petitioned in writing at least 45 days prior to each deadline. At the April 14, 2020 meeting, the commission accepted the proposed language and asked staff to set a public hearing for tonight.

Title 16 – Subdivisions

Redline - 4/14/2020

16.16.030 Final Plat

O. Expiration of Final Approval. If the final plat is not recorded within twelve (12) months from the date of city council approval, such approval shall be null and void. ~~The city council may extend this time period~~ ~~may be extended by the city council~~ ~~for up to a maximum of an two~~ ~~additional periods of up to six (6) months~~ ~~period each~~ ~~for good cause shown.~~ The subdivider must petition in writing for ~~this the first~~ ~~extension~~ ~~at least forty-five (45) days~~ prior to the expiration of the original ~~six twelve (12) months~~ ~~period.~~ ~~The~~ ~~A subdivider~~ ~~may desiring a second extension~~ ~~must petition in writing~~ ~~for an additional six (6) month extension~~ ~~at least forty-five (45) days~~ ~~prior to the expiration of the first extended period.~~ No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

16.28.070 Drainage Plan

E. If the final plat is not recorded within twelve (12) months from the date of city council approval, the drainage plan approval will be null and void. This time period may be extended by the city council ~~pursuant to Section 16.16.030 of this Title.~~ ~~for up to an additional six (6) month period~~ ~~for good cause shown.~~ ~~The subdivider must petition in writing~~ ~~for this extension~~ ~~prior to the expiration of the original six (6) months.~~ ~~No extension will be granted if it is determined that it will be detrimental to the city.~~ ~~If any of the fees charged as a condition of subdivision approval have increased,~~ ~~the city may require that the bond estimate be recalculated~~ ~~and that the subdivider pay any applicable fee increases~~ ~~as a condition of granting an extension.~~

MEMORANDUM



TO: Planning Commission

DATE: May 8, 2020

FROM: Cathy Brightwell

RE: OFF STREET PARKING - WBMC 17.52

Updates to the city's off-street parking ordinance have been discussed for several months by the planning commission and a public hearing was held on January 14, 2020 with no public comments offered.

A few clarifications were suggested at the last meeting which have been incorporated in the attached draft and shown in highlights.

An additional modification has been proposed that formalizes the city's policy of allowing residential properties on corners to have a driveway on each street. It has also been proposed that the total drive approach width be increased from 32 ft to 36 ft. While there are many 40+ ft. wide drive approaches in the city, increasing the maximum width to 36 ft. better matches the width of triple car garages that are becoming more common as each standard single driveway is typically 12 ft. wide.

These proposed changes have been reviewed by legal counsel.

17.52 OFF-STREET PARKING

May 6, 2020 – Redline

17.52.010 Off-Street Parking Required; Purpose

The purpose of this chapter is to set a minimum standard for off-street parking to ensure that ample parking for the generated demand of each land use will be available.

Sufficient parking should be provided to assure maximum utilization of the facilities on site will not unduly impose on neighbors in the vicinity or create an unsafe environment.

Off-street parking is required for residential, commercial, industrial and retail buildings and structures based on current use, size and capacity in accordance with the requirements of this chapter.

17.52.020 Size

The dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least nine (9) feet by twenty (20) feet for diagonal and ninety (90) degree spaces, and ten (10) feet by twenty-four (24) feet for parallel spaces. Drive aisle widths shall be a minimum of twenty-two (22) feet for ninety (90) degree and parallel parking and sixteen (16) feet for angled parking.

17.52.030 Access to Individual Parking Space

Except for residential dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle.

17.52.040 Number of Parking Spaces Required

An adequate number of off-street parking spaces shall be provided for all uses as follows. In no case, however, shall parking provided be less than one space for each employee projected for the highest employment shift plus additional parking for vehicles used in conducting the business and customer parking.

- A. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.
- B. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.
- C. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, reception centers, meeting halls: one parking space for each three seats of seating capacity.
- D. Residential dwellings: two parking spaces for each dwelling unit including garages and driveways.
- E. Furniture and appliance stores: one parking space for each six hundred (600) square feet of retail floor area.
- F. Hospitals: two parking spaces for each bed.
- G. Hotels and motels: one space for each living or sleeping unit.
- H. Residential health care facilities: one parking space for each five beds.
- I. Restaurants, taverns, private clubs, and all other similar dining or drinking establishments (except for fast food dining or drinking establishments): one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen and storage), whichever is greater.
- J. Retail stores (except as provided in subsections E and P of this section): one parking space for each one hundred (100) square feet of retail floor space.

- K. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by the zoning administrator.
- L. Shopping center or other groups of uses not listed above: one parking space for each two hundred (200) square feet of total floor space.
- M. Medical/Dental office: one parking space for each 200 square feet of gross floor area or five spaces per doctor/dentist, whichever is greater.
- N. Fast food dining or drinking establishments: one parking space for each 75 square feet of floor area with a minimum of 5 spaces, plus 3 stacking spaces per drive-through lane.
- O. Auto dealer: one parking space for each 200 square feet of sales office area plus one space for every ten vehicles displayed, or five spaces, whichever is greater. Separate storage area for vehicles for sale or under repair shall be provided.
- P. Grocery store: one parking space for every 200 square feet of retail floor area.
- Q. All other uses not listed above: as determined by the zoning administrator. All required determinations of the zoning administrator under this section shall be based on the nearest comparable use standards.

17.52.050 Access Requirements

Adequate ingress and egress to and from all uses shall be provided as follows:

1. Residential Lots. Each residential lot may have not more than two drive approaches on each of two street frontages. Each drive approach shall be a minimum of twelve (12) feet and a maximum of thirty ~~two-six~~ (3236) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet. The maximum combined drive approach width on any single street frontage is thirty ~~two-six~~ (3236) feet. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer. On a corner lot, no driveway shall be closer than twenty (20) feet from the point of intersection of the front lot line and street side lot line.
2. Non-Residential Lots. Access shall be provided to meet the following requirements:
 1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;
 2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;
 3. Each driveway shall be not more than thirty ~~five-six~~ (3536) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
 4. No driveway shall be closer than twenty (20) feet from the point of intersection of the front lot line and street side lot line at any corner, and no driveway shall extend across such extended property line; and
 5. On a street where there are no curbs or gutters, all driveways shall be well marked and street frontage and pedestrian access protection provided the entire length of the frontage exclusive of the driveways as per approved plans.

17.52.060 Maintenance of Parking Lots

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. Surfacing. Each off-street parking lot shall be surfaced with gravel, asphaltic or Portland cement or other binder pavement and permanently maintained to provide a dustless surface. The parking area shall be designed and maintained consistent with WBMC 13.30, Storm Water Management.

2. Screening. The sides and rear of any off-street parking lot which adjoins an area that is primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.
3. Landscaping. Each parking lot shall provide along the entire frontage of the property (except for any drive approach) a minimum depth of ten (10) feet of permanently maintained landscaping.
4. Lighting. Lighting used to illuminate any parking lot shall be directed downward and arranged to reflect the light away from adjoining residential uses and from street traffic.
5. All surfacing, screening, landscaping, lighting, and any other parking area elements shall be continually and properly maintained.

17.52.070 Location of Off-Street Parking

Off-street parking in non-residential districts is allowed in the front setback, as long as the parking area is set back, and the frontage of the property is permanently landscaped, in accordance with Section 17.52.060.3.

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

April 28, 2020

3 **PENDING – NOT APPROVED**

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
5 website, on the West Bountiful City website, and at city hall on April 27, 2020 per state statutory
6 requirement.

7

8 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 28,
9 2020 at West Bountiful City Hall, Davis County, Utah.

10 **Those in Attendance:**

11 **Due to the Coronavirus outbreak this meeting was held by teleconference measures. Those**
12 **present at City Hall were Denis Hopkinson (Chairman) and Duane Huffman (City Administrator).**
13 **All others tuned in electronically.**

14 **MEMBERS ATTENDING:** Chairman Denis Hopkinson, Vice Chairman Alan Malan, Laura Charchenko,
15 Mike Cottle, Dee Vest and Council member Kelly Enquist.

16 **MEMBERS EXCUSED:** Corey Sweat

17 **STAFF ATTENDING:** Duane Huffman (City Administrator) (on site), Cathy Brightwell (Recorder) and
18 Debbie McKean (Secretary)

19 **VISITORS:** Adam Winegar

20 The Planning Commission meeting was called to order at 7:35 pm by Chairman Denis Hopkinson.
21 Alan Malan offered a prayer.

22 **1. Accept Agenda**

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

25 **2. Discuss Request to Remove Property at 788 N 800 W from Historic District- Winegar**

26

27 Commissioner packets included a staff memorandum from Cathy Brightwell and Duane Huffman
28 dated April 25, 2020, an application and supporting documentation from petitioner Adam
29 Winegar. A rezone is a legislative action that will ultimately be decided by the city council after
30 the planning commission holds a public hearing and makes its recommendation.

31

32 Cathy Brightwell explained that Mr. Adam Winegar has applied to rezone the property at 788 N
33 800 W to remove it from the Historic Overlay District. He desires to build a new garage on his
34 property and his plans do not comply with the requirements and restrictions of the Historical
35 Overlay District. The primary differences for properties in the historic district require detached
36 garages to be located in the rear of the property and exterior designs, windows, garage doors, etc.

37 must match the existing home. Mr. Winegar prefers to build his garage next to his home to allow
38 for safe backyard space for his children to play. She noted that his property is in the middle of the
39 district, and its removal would create an island.

40
41
42 She said that regardless of what is decided on Mr. Winegar's request, staff is in favor of
43 reevaluating the Historic District. The boundaries do not make sense as several non-historic homes
44 are included, and several historic homes are excluded. The city should consider what it wants to
45 do with its historic district going forward and if governmental oversight is necessary especially
46 when no residents are interested in participating on the Historical Preservation commission.

47
48 There was discussion about the status of the Historic Preservation Commission and the Historic
49 Architectural Board. Cathy Brightwell said the Commission dissolved about eight years ago when
50 members were no longer interested. The Architectural Review Board consists of the city
51 engineer, a local architect with experience in historic design, and a member of the historic
52 preservation commission. Because there are no current members of the historic commission,
53 Alan Malan, an earlier member and planning commissioner participates on the Board to help
54 review historic designs. The Board was originally created to oversee the development of
55 Heritage Pointe which is now nearly built out. Their only other responsibility will be to oversee
56 and approve additions on existing homes. It was noted that current Code allows historic homes
57 to be demolished as long as pictures are taken prior to demolition. Based on these limited
58 responsibilities, it may be time to evaluate if this Board is necessary going forward.

59 **Background – The Historic Overlay District**

60
61 • 2007 - The current historic overlay district appears to have roots in an ordinance that established
62 a historic preservation commission to preserve and protect historic homes in the city and set
63 standards for historic districts. This was done somewhat in conjunction with the Heritage Pointe
64 subdivision.

65
66 • 2012 – The Historic Overlay District was added to the West Bountiful City Municipal Code as a
67 land use ordinance. The ordinance created enforceable standards and established an Architectural
68 Review Board to review the appropriateness of construction in the district. Again, this was done to
69 help manage construction in the Heritage Pointe subdivision. A historic overlay district was added
70 to the city zoning map and included areas outside of the subdivision.

71
72 • 2014 – A piece of the Hopkinson property at 1277 N 800 W was removed from the district when
73 a new lot was created.

74
75 • 2016 – A piece of the Jones property at 887 N 800 W (Heritage Pointe) was removed from the
76 district to facilitate an addition to an existing home that was not in the Historic District.

77
78 • 2017 – The Manors at McKean Meadows subdivision removed the entire property at the time of
79 development, except Lot 1 that fronts 800 West.

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Considerations

Staff provided the following list of issues for the planning commission to consider:

1. How does this request fit within the city’s General Plan? This question should be an overriding guideline as the other questions are considered.
2. Is there a continued need for the Historic Overlay District?
3. Is there a continued need for the architectural design standards within the district?
4. Would the removal of this property from the district be in the best interest of the community and property owner? If so, can both the community and private benefits be described?

Discussion:

Petitioner Adam Winegar stated he supports the preservation of the historic district but is trying to make improvements to his property for safety. He intends to tear down the existing garage behind his home that is unsafe and he wants a backyard he can fence in for safety. He explained that the only reason they want out of the district is because of the restrictions put on him to build the dwelling he wants to build. The main issue for the garage he wants to build is that they do not want to attach it to the home or build it in the back of the lot. He plans to have it match as much as possible and will use the bricks from the existing garage on the front which will match the house.

Chairman Hopkinson noted that he does not see how the structure the Winegar’s want to build can be approved considering the current ordinance. He explained that they can make recommendation to Council that a variance be given at this time and then work on changing language in the future regarding the overlay zone if it is the desire of all to keep the District in place. Chairman Hopkinson is in favor of letting him build a structure that looks like the existing home without being attached to the current dwelling as required.

Laura Charchenko does not see the purpose of this ordinance now and wonders if people who are buying homes in the District are being told that they must adhere to certain criteria. She feels people should have the right to build as they want.

Alan Malan feels we should be more focused on the people living there now rather than the buildings. This overlay is not serving the purpose it was originally intended to. He noted that this discussion has been about Mr. Winegar meeting the historic design requirements which he will not be able to do with his current plans. He suggested if they want to move forward quickly, they should remove themselves from the district.

Corey Sweat- Cathy Brightwell shared the comments Mr. Sweat provided since he could not be in attendance. He favors relaxing restrictions to allow the Winegar’s build what they want on their property.

122 **Dee Vest** did not fully understand the reasons behind the district and would like it to be
123 reviewed at a later date. He is not in favor of granting the request until the historic district can
124 be reviewed more. He noted that we need to make sure he can build the garage as he wants but
125 doesn't want to rush into removing the property from the district until further discussion.

126
127 **Mike Cottle** agrees with Dee Vest. He likes the historical feel of 800 West and doesn't want that
128 compromised. He noted that the district is chopped up now and there should be more
129 discussion soon of the whole district. He is in favor of letting the Winegar's build as they want
130 but does not support removing them from the district.

131
132 **Councilmember Enquist** is in favor of preserving what is in place through having a Historic
133 District. He feels the structure could fit in, but language would need to be changed to do so.

134
135 **Duane Huffman** reviewed the options the commission has which are: remove the property from
136 the historic district, get rid of the district all together, or change language in the code regarding
137 the historic district.

138
139 He explained that there are different state and federal historic registers and lists that
140 homeowners may be interested in having their homes on. Several homes in the West Bountiful
141 historic district have gone through the process to be added to these registers which allow them
142 the opportunity to qualify for special grants for restoration projects. He noted that there have
143 not been any such requests in at least 7 years. Homes on the historic register and historic sites
144 lists are not necessarily tied to the city's historic district.

145
146 **ACTION TAKEN:**
147 *Laura Charchenko moved to set a public hearing for May 12, 2020 to receive comments on*
148 *removing the Winegar property at 788 N 800 West from the Historic Overlay District. Alan*
149 *Malan seconded the motion. A Roll Call vote was taken. Dee Vest and Mike Cottle voted Nay;*
150 *Laura Charchenko, Alan Malan and Chairman Hopkinson voted Aye. Motion passed 3 to 2.*

151
152 Further discussion took place regarding what the use of the District is at this point.
153 Chairman Hopkinson feels there needs to be more thought and work done before banning the
154 district all together.

155
156 Cathy Brightwell noted that the primary reason it was put in place was because of Heritage
157 Pointe and it is nearly built out now. She spoke with Ben White about how the district
158 boundaries were laid out and he informed her he was given a list of homes to include and he
159 drew the boundary to include those and others were included in order to close the boundary
160 lines. She shared an example of Pages Circle which is a fairly new cul-de-sac of homes that are
161 not historic but are in the district so would now be required to comply with any regulation of the
162 district.

163
164
165

166 **3. Discuss Restriction for Flag Lots on Dead-end Streets.**

167 Commissioner packets included a memorandum from Cathy Brightwell and Duane Huffman dated
168 April 24, 2020 regarding Restrictions for Flag Lots on Dead-end Streets.

169 Cathy Brightwell reminded them that the planning commission discussed restrictions for flag lots on
170 dead end streets a few months ago after a resident requested a flag lot be included as part of a
171 subdivision he is proposing at 1390 W 1200 North.

172
173 Currently, this issue only applies to four streets in the city - 1200 N (approximately 3300 ft long),
174 1450 N/840 W (approximately 614 ft. long), 200 N/1000 W (approximately 1400 ft. long) and 220
175 N/720 W (approximately 750 ft. long).

176
177 WBMC 16.12.060.5 states, *the staff of the Flag lot cannot extend from intersections, street corners,*
178 *cul-de-sacs, or **dead-end streets**.* Staff was asked to gather the ideas from the meeting and bring
179 them back for further discussion. These items have been listed below.

- 180
181 1. Base the restriction on the length of the dead-end road by modifying it to say that flag lots
182 cannot be within x number of feet from the end of the dead-end road – such as 400 ft since
183 that’s our current maximum length of a standard cul-de-sac.
184 2. Set a maximum distance from the flag lot staff to the street intersection where the dead-
185 end street begins.
186 3. What does *extend from* mean in the code? Does it mean extend from anywhere along the
187 road or extend the length of the road? If interpreted to mean extend the length, is a
188 change is necessary?

189
190 She invited commissioners to share other ideas they may have or noted that they could choose to
191 leave things as is.

192
193 **Commissioners Comments:**

194
195 **Alan Malan** is in favor of item #1 or #2. Make it 400 feet from the end of the dead-end street or
196 adhere to suggestion #2.

197
198 **Mike Cottle** is supportive of letting it go and adopting one of the options.

199
200 **Dee Vest** would like to set a minimum distance from the dead-end street.

201
202 **Laura Charchenko** feels the language may need to be more explicit to include language like
203 “knuckle”. She supports either item #1 or #2.

204
205 **Dee Vest** agrees with Commissioner Charchenko and suggested having a definition of a dead-
206 end street in the language.

207
208 **Councilmember Enquist** supports items #1 or #2.

209

210 **Chairman Hopkinson** explained that in Wendell Wild’s Subdivision there was some
211 consternation regarding the flag lot at the end of the street so required signage and lighting
212 making it known it was a driveway to a home and not a street. Could there be a design
213 developed that would allow for a flag lot in this situation?
214

215 Duane Huffman noted that these two roads will not remain as dead-end streets in the future.
216 Cathy will take the comments back to Mr. Doxey to develop language as they discussed this
217 evening. A public hearing will be scheduled for May 26 after the Commission reviews the
218 language.
219

220 **4. Discuss Storage Uses in the A-1 Zone**

221

222 Commissioner packets included a memorandum from Cathy Brightwell and Duane Huffman dated
223 April 24, 2020 regarding Storage Uses in the A-1 Zone with a redlined copy of the A-1 zoning code.
224

225 As discussed in previous planning commission meetings, the A-1 zone allows both residential and
226 agricultural uses which has become an issue for property owners who use their property for
227 nonagricultural storage and do not have a house on the property.
228

229 Cathy Brightwell introduced and noted the changes made to the code. An earlier proposal to add
230 “accessory structure” was found not to be a workable option since it retains the concept of
231 accessory structures being “on the same lot *with*, and of a nature customarily *incidental and*
232 *subordinate to, the principal use or building.*” At the April 14 planning commission meeting, a
233 suggestion was made to use the term “**noncommercial building**” to allow for buildings on a
234 property where no residential dwelling exists. A redline version is attached that includes this term
235 as a Permitted Use, includes a proposed definition, and updates relevant sections of the code. Mr.
236 Doxey has reviewed the changes.
237

238 **Staff would like to discuss the following:**

- 239 1. Should this type of building be a Permitted Use or a Conditional Use?
- 240 2. Should the same regulations for accessory structures, such as setbacks, heights, etc. apply?
- 241 3. Should the city require an affidavit from the property owner stating the building will not be
242 used for commercial business or as a residential dwelling? If so, how do we enforce?
243

244 **Chairman Hopkinson** likes wording and changes staff has proposed.
245

246 **Laura Charchenko, Alan Malan Dee Vest** concurred.
247

248 **Dee Vest** asked about the differences if we make it permitted or a conditional use. Cathy noted
249 that we are trying to get away from using conditional uses. She suggested making the language
250 clear enough to be a permitted use.
251

252 **Duane Huffman** made note that some language needs to be clarified regarding what the main
253 structure is and the percent of land that a structure can occupy.
254

255 He suggested the Commission consider splitting agricultural zones into a primarily residential and
256 primarily agricultural zone, e.g., A-1 and R-1-43. State law allows cannabis crops to be grown in an
257 agricultural zone and this could be an issue because the A-1 zone is defined as primarily
258 agricultural. He feels we need to look at separating the two.

259
260 There was discussion about designating a non-commercial building as a primary or accessory
261 structure and recording it as such against the property. If in the future, there is room to add a
262 building and it meets the requirements and setbacks, an option should be available to re-designate
263 the original building. Mr. Huffman noted that whenever a resident is living on the property that
264 structure is always the primary structure.

265
266 **Laura Charchenko** stated that designating a building as primary or accessory may not be so good
267 for residential owners 20 years down the road so she agrees there should be an option to re-
268 designate.

269
270 Staff will move forward with the desires stated by the Commission. Commission wants to review
271 the language before a public hearing is scheduled. Cathy asked if she could schedule the hearing
272 for May 26th. Chairman Hopkinson answered to the affirmative.

273

274 **5. Staff Report**

275 **Duane Huffman:**

- 276 • 800 West –
 - 277 ○ Asphalt will be pulverized into finer material on site on the 800 West project to be able to
 - 278 get rid of the debris some of which is not disposable in its current condition.
 - 279 ○ Project should be completed from Pages Lane to 1000 North by mid-June. Because the
 - 280 school is closed, the City is encouraging the contractors to continue forward with the
 - 281 construction to 400 North.
- 282 • Covid 19 updates - Playgrounds will remain closed, virtual meetings will continue until we
- 283 move to low risk.
- 284 • Multi- family dwelling discussion with city council will be scheduled when we are able to meet
- 285 in person.
- 286 • Ascent contractors defaulted on the school project and a new contractor, Mickelson, has been
- 287 hired. It was noted that they are 3 to 4 months behind schedule and working furiously to
- 288 complete the project.

289 **Cathy Brightwell:**

- 290 • Raising Cane is still planning on moving forward with their plans.
- 291 • Olive Garden may resume construction in July.

292

293 **6. Consider Approval of Minutes from April 14, 2020 meeting.**

294

295 **ACTION TAKEN:**

296 ***Alan Malan moved to approve of the minutes of the April 14, 2020 meeting as presented.***
297 ***Mike Cottle seconded the motion and voting was unanimous in favor.***

298 **7. Adjourn:**
299 **ACTION TAKEN:**

300 ***Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:08***
301 ***pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.***

302

303 *The foregoing was approved by the West Bountiful City Planning Commission on May 26, 2020, by*
304 *unanimous vote of all members present.*

305 _____

306 *Cathy Brightwell – City Recorder*

307

308