

**WEST BOUNTIFUL
PLANNING COMMISSION**

Mayor
Kenneth Romney

Chairman
Denis Hopkinson

**City Engineer/
Zoning
Administrator**
Ben White

550 North 800 West
West Bountiful, Utah 84087

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

City Recorder
Cathy Brightwell

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THIS MEETING WILL BE HELD BOTH IN-PERSON AND ELECTRONICALLY
(See Zoom info below)

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD
ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 26, 2020**

Prayer/Thought by Corey Sweat

1. Accept Agenda.
2. Public Hearing – Petition by Wholesome Therapy for Land Use Code Text Change for Cannabis Production Establishment.
3. Public Hearing – Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishments.
4. Petition for Code Text Change for Cannabis Production Establishment by Wholesome Therapy.
5. Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishments.
6. Public Hearing - Proposed Changes to WBMC Title 16 - Restrictions for Flag Lots on Dead-end Streets.
7. Consider Proposed Code Changes to Title 16 - Restrictions for Flag Lots on Dead-end Streets.
8. Public Hearing for Proposed Changes to WBMC Title 17 - Uses in the A-1 Zone including Non-Commercial Structures.
9. Consider Changes to Title 17 Regarding A-1 Uses including Non-commercial Structures.
10. Staff report.
11. Consider Meeting Minutes from May 12, 2020.
12. Adjourn.

Join Zoom Meeting – Meeting ID 818 3572 1973 <https://us02web.zoom.us/j/81835721973>

One tap mobile +16699006833,,81835721973# (San Jose) +12532158782,,81835721973# (Tacoma)

Dial by your location

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+1 646 876 9923 US (New York)	Find your local number: https://us02web.zoom.us/j/ku5oR2DFP

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 22, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

May 26, 2020

Posting of Agenda - The agenda for this meeting was posted on the Utah Public Notice website, on the West Bountiful City website, and at city hall on May 22, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 26, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held partially by teleconference measures. Those present at City Hall were Denis Hopkinson (Chairman), Alan Malan, Dee Vest, Kelly Enquist (City Councilmember), and Duane Huffman (City Administrator). All others tuned in electronically.

MEMBERS ATTENDING: Chairman Denis Hopkinson, Vice Chairman Alan Malan, Commissioners Corey Sweat, Mike Cottle, Dee Vest, and Council member Kelly Enquist.

MEMBERS EXCUSED: Laura Charchenko

STAFF ATTENDING: Duane Huffman (City Administrator), Cathy Brightwell (Recorder), and Debbie McKean (Secretary), Chief Todd Hixson, Steve Doxey (City Attorney)

VISITORS: Bruce Baird, Gary Jacketta, Bill Goldberg

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

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Corey Sweat moved to approve the agenda as presented noting the withdrawal of the petition by Wholesome Therapy of a portion of Item #4. Mike Cottle seconded the motion. Voting was unanimous in favor among all members present.

2. Public Hearing – Petition by Wholesome Therapy for Land Use Code Text Change for Cannabis Production Establishment.

Action Taken:

Corey Sweat moved to open a public hearing for Petition by Wholesome Therapy for Land Use Code Text Change for Cannabis Production Establishment at 7:46 pm. Dee Vest seconded the motion and voting was unanimous in favor.

Introduction: Chairman Hopkinson reviewed the purpose of the public hearing and explained that the Petitioner has withdrawn most of its Petition but the hearing should continue to address

the issue of considering medical cannabis pharmacies as a permitted use in the Commercial General (C-G) zone.

Bruce Baird, representing Wholesome Therapy, explained that they made the decision to withdraw the majority of their pending Petition in order to complete work on a list of questions asked by the City. They feel it is in the best interest of the City to withdraw and refile the petition when they have the answers thereby stopping the clock and giving the city more time to review the issues.

Public Comment: No public comments were made.

Action Taken:

Corey Sweat moved to close the public hearing at 7:47 pm. Alan Malan seconded the motion and voting was unanimous in favor.

3. Public Hearing- Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishment.

Action Taken:

Mike Cottle moved to open a public hearing for Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishment at 7:48 pm. Dee Vest seconded the motion and voting was unanimous in favor.

Duane Huffman explained that the city is in the process of preparing a comprehensive ordinance related to Medical Cannabis Pharmacies and Cannabis Production Establishments.

Public Comment: No Public Comments were made.

Action Taken:

Dee Vest moved to close the public hearing at 7:49 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Petition for Land Use Code Text Change for Cannabis Production Establishment by Wholesome Therapy

Commissioner packets included a memorandum from Duane Huffman dated May 22, 2020 regarding Petition for Land Use Code Text Change for Cannabis Production Establishment along with the full request from petitioner.

Chairman Hopkinson introduced the memorandum and the changes that have been made. Duane Huffman explained that since the applicant withdrew his petition the only text change applicable is 17.36.020 and referred to the state code as to what the city can do. He noted that it cannot be made a conditional use and that we can only govern the time, place, and manner

of the Cannabis Pharmacy. Mr. Huffman pointed out things in the state code that could be applicable to our city land use. The only signage they can have is their name, hours of operation and a green cross on the outside of the building.

Dee Vest asked if hours can be restricted. Mr. Doxey stated that the city has the authority to extend the hours but cannot restrict them less than the state statute which is 7 am – 10 pm.

Chairman Hopkinson asked if there was a response to the request made at the last meeting about getting comments from neighboring businesses. Duane Huffman responded that Mr. Thackery had some vague concerns and he will contact several of their tenants to see how they feel about the business.

Mr. Baird said they also spoke with Mr. Thackery. He indicated that the production facility is their main concern but Mr. Baird feels that those concerns will subside as they refile the petition.

Mr. Huffman asked if there were any other issues of concern from the commission at this time. Chairman Hopkinson pointed out some things they could consider. Commissioners had no comments at this time.

Sharing the building with other tenants is not recommended from the Commission but it is allowed. There was discussion about parking and if any specific regulations should apply. Mr. Baird feels the city's parking requirements will be more than suitable for their business needs.

Chairman Hopkinson pointed out that if this proposed ordinance change is adopted it is fair game for all in the CG zone to have a medical cannabis pharmacy. Duane noted that they are already allowed in any zone that is not a residential zone, by state code they would not be allowed in this area if a pharmacy is already in place, and they would be subject to proximity restrictions to certain community businesses. Chairman Hopkinson stated he finds it hard to believe that the city cannot limit the amount and type of businesses allowed in our City.

Action Taken:

Corey Sweat moved to make a positive recommendation to city council to accept the proposed language for Medical Cannabis Pharmacies as a permitted use in the Commercial General zone with the condition that business hours cannot exceed 7am-10pm daily. Dee Vest seconded the motion and motion passed 3 to 2. Alan Malan and Mike Cottle voted Nay and Corey Sweat, Dee Vest, and Denis Hopkinson voted Aye.

5. Proposed Ordinance for Medical Cannabis Pharmacies and Cannabis Production Establishments

Commissioner Comments:

Chairman Hopkinson noted that since Steve Doxey stated that medical cannabis pharmacies are allowed in any zone that is not primarily residential, they should consider renaming the agricultural zone or creating a new agricultural zone that allows cannabis in that specific area.

For example, R-A-1 (Residential Agricultural - 1 acre minimum) which would have the same uses as the A-1 but change its primary designation from agricultural to residential. Mr. Doxey noted that there are creative options that can be used. He informed the Commission that only one industrial zone must be designated for cannabis – either existing Light Industrial (L-I) or Industrial General (I-G). Agricultural zone must allow cannabis production unless there are multiple zones and then only one designated for production. He noted that the location of a production establishment must be 1000 feet away from a community business, such as a school or library, etc.

Alan Malan would like to have three different zone distinctions. Duane gave some suggestions as to how it can be handled. He clarified that production does not have to be allowed in a commercial zone but if desired, can be a permitted or conditional use.

Some discussion took place as to how to handle the situation and what areas in the city should allow this use. For example, a new agricultural zone could be designated on the west side of Legacy Parkway and most other A-1 areas changed to primarily residential (R-A). There was also discussion about whether to limit cultivation establishments to the I-G or L-I zones or allow it in both.

Alan Malan asked if we need to do anything with the BU Zone. Duane Huffman suggested that it needs to be updated and uses clarified in that zone.

Duane Huffman stated that staff can draft language and bring back to the Commission. A new public hearing will be scheduled once a specific proposal is available.

6. Public Hearing - Proposed Changes to WBMC Title 16 - Restrictions for Flag Lots on Dead-end Streets.

Chairman Hopkinson introduced the item proposed for public comment.

Action Taken:

Corey Sweat moved to open the public hearing for Proposed Changes to WBMC Title 16- Restriction for Flag Lots on Dead-end Streets at 8:49 pm. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comment: No public comments were made.

Action Taken:

Dee Vest moved to close the public hearing at 8:50 pm. Alan Malan seconded the motion and voting was unanimous in favor.

7. Consider Proposed Code Changes to Title 16 - Restrictions for Flag Lots on Dead-end streets.

Commissioner packets included a memorandum from Cathy Brightwell and Duane Huffman dated May 22, 2020 regarding restrictions for flag lots on dead-end streets and a redline copy of proposed changes.

Planning commission has been discussing restrictions for flag lots on dead end streets for several months after a resident requested a flag lot be included as part of a subdivision he is proposing at 1390 W 1200 North. There are no changes to the proposal below previously reviewed by planning commission and Mr. Doxey.

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.*

WBMC 16.12.060.5

"the staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or within four-hundred feet of the closed 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.

16.12.060 Lots

D. Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:

1. The staff of the lot shall not be less than twenty feet (20') wide and shall not exceed the design length requirements for a cul-de-sac.

Action Taken:

Corey Sweat moved to make a positive recommendation to city council to accept the changes as proposed. Dee Vest seconded the motion and voting was unanimous in favor.

8. Public Hearing for Proposed Changes to WBMC Title 17- Uses in the A-1 Zone including Non-Commercial Structures.

Action Taken:

Mike Cottle moved to open the public hearing for Proposed Changes to WBMC Title 17- Uses in the A-1 Zone including Non-Commercial Structures at 9:02 pm. Dee Vest seconded the motion and voting was unanimous in favor.

Public Comment: No public comments were made.

Action Taken:

Dee Vest moved to close the public hearing at 9:03 pm. Alan Malan seconded the motion and voting was unanimous in favor.

9. Consider Changes to Title 17 Regarding A-1 Uses including Non-commercial structures.

Commissioner's packets included a memorandum dated May 22, 2020 from Duane Huffman and Cathy Brightwell regarding A-1 Uses including Non-commercial structures.

As discussed in previous planning commission meetings, several changes have been proposed for permitted and conditional uses the A-1 zone. The primary issue was to consider storage structures when there is no home on the property. At the planning commission's direction, Mr. Doxey developed language that includes non-commercial structures as a permitted use in this zone.

Cathy Brightwell reviewed the language and pointed out the proposed changes below include an updated list of Permitted and Conditional Uses and includes a proposed definition for non-commercial structures.

17.16 Agricultural District, A-1

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 in a recorded agreement between the city and property owner. If a principal building or use is established on the same lot as a non-commercial structure, the non-commercial structure will be deemed an accessory structure subject to all regulations governing accessory uses, buildings, or structures.

Corey Sweat noted that he has issues with the requirement in the definition for a recorded agreement between the city and property owner stipulating to the uses for the structure. Mr. Huffman explained the importance and reasoning behind the inclusion which will alert future owners of the restrictions on the uses of the structure. This is the only way we can communicate with new owners.

Action Taken:

Dee Vest moved to make a positive recommendation to city council to approve the changes as proposed per the redline copy dated May 22, 2020. Motion passed 3 to 2 with Mike Cottle, Dee Vest and Denis Hopkinson voting Aye; Alan Malan and Corey Sweat voted Nay.

10. Staff Report

Cathy Brightwell:

- For the past several months, most new business construction has been put on hold but in the last week several have contacted the city to say they are ready to move forward - Raising Cane's will begin construction at 400 N and 500 W upon completion of demolition of the existing gas station; Dominion Energy will begin their wall enclosure on Porter Lane next week; and Café Rio is moving into the old McCallister building.

Duane Huffman:

- 800 West construction - Water lines are almost completed between 1000 N and Pages Lane and construction will be moving south around June 1st.
- The powder coat box at 1100 W and 500 S brought to our attention by Commission Sweat, is in the process of being relocated.
- We followed up on the Airstream trailer at the Elks Lodge that appeared to be taking up permanent residence. The trailer is occupied by a traveling nurse that is stranded due to the pandemic and is expected to be moving as risk levels decrease.
- We have posted a job ad for a city engineer to replace Ben White; duties will remain similar including land use management and working with planning commission.
- Demolition of the old West Bountiful Elementary school is in progress. There was discussion about changes to the access in and out of the school and the importance of proper signage to avoid confusion.
- Design for the new well should be completed soon, but we will hold off on construction until we have a better feel for how the economy has been impacted.

11. Consider Approval of Minutes from May 12, 2020 meeting.

Action Taken:

Corey Sweat moved to approve of the minutes of the May 12, 2020 meeting as presented. Alan Malan seconded the motion and voting was unanimous in favor.

12. Adjourn:

Action Taken:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at pm. Mike Cottle seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on June 9, 2020, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

