

Mayor
Kenneth Romney

WEST BOUNTIFUL PLANNING COMMISSION

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

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

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

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+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.

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 26, 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 for text change to add Medical Cannabis Production Establishments and Medical Cannabis Pharmacies 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).

A complete copy 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 to Recorder@wbcity.org.

Cathy Brightwell
City Recorder

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 26, 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 a proposed new ordinance for Medical Cannabis Pharmacies and Production Establishments.

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



MEMORANDUM

TO: Planning Commission

DATE: May 22, 2020

FROM: Duane Huffman

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

On May 1, 2020, Wholesome Therapy applied to change the city's land use code text related to Cannabis Production Establishments and Medical Cannabis Pharmacies. The application 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.

This memo:

- 1) As background, reviews the request made by Wholesome Therapy;
- 2) **Updates the commission on requests for information submitted to Wholesome Therapy;**
- 3) Provides the commission with a list of items to contemplate as the petition is considered;
- 4) Provides the commission with a decision matrix to facilitate a recommendation to the city council;
- 5) Provides the commission with a list options for recommendation to the city council in regards to the application made by Wholesome Therapy.

Petition Filed By Wholesome Therapy

As submitted, 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.

For a review of the applicable state codes, please see the staff memo dated 5-8-20.

Questions to the Applicant

To help the commission make a recommendation and eventually the city council make a determination on the suitability of the Carr Building for cannabis production, the city has sent the following questions to the applicant. The applicant has shared the attached building layout, but will have no other written responses ready in time for Tuesday's public hearing.

Additionally, the neighboring property owner, The Thackeray Group, has been contacted, and has expressed initial concern with the proposal. Staff understands the applicant is working to meet with the Thackeray Group to share additional information.

1. Licensing
 - a. Please provide information on whether the state will license cultivation and/or processing at the same site as a dispensary.
2. Use of the building
 - a. Please provide a preliminary layout of how the building would be used for cultivation and eventually processing.
 - b. Please describe security features planned for the building. Please provide an estimate of the anticipated number of employees for cultivation and, eventually, processing, and the number of parking stalls required for such employees in addition to those required for current uses of the building.
3. Cultivation
 - a. Please explain how cultivation will work. For example, will planting and harvesting follow seasonal schedules?
 - b. Will interior odors be essentially constant, or will they peak at different intervals?
 - c. What "scrubbers" will be used to prevent exterior odors? What is the useful life of the scrubbers? What maintenance is required?
 - d. What types of regular shipments are needed for cultivation (soil, fertilizer, etc.)?
 - e. What types of waste products are created as part of cultivation? How are they handled and disposed of?
 - f. What are the annual water needs? Do you plan to use culinary or secondary water? Is the use of water constant or seasonal? Will anything with the current water connection to the building need to be changed (e.g. meter)?
 - g. As processing on site is not in the immediate plans, how often will shipments of harvested materials be leaving the site? Will shipments be limited to business hours? What types of trucks are used for this purpose?
 - h. How often will shipments/deliveries of processed materials arrive at the site to be sold? What types of trucks are used for this purpose? Will deliveries be limited to business hours?

4. Processing
 - a. Please provide information on the processing techniques that are eventually planned to occur onsite.
 - b. Would processing ever be done at this site for products sold at different locations?
 - c. What type of equipment is needed?
 - d. What type of combustible materials will be on-site?
 - e. What types of waste products are created as part of processing? How are they handled and disposed of?
 - f. What are the water needs for processing? Do you plan to use culinary or secondary water? Is the use of water constant or seasonal? Will anything with the current water connection to the building need to be changed (e.g. meter)?
5. Development Agreement
 - a. What terms do you recommend for a development agreement?

Items for Planning Commission Consideration

- 1) The Carr Building – Could cannabis cultivation and/or processing at this location negatively affect neighboring commercial properties? Issue to consider here include odors, industrial activities.
- 2) 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.
- 3) 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 different zone? Given the very limited commercial space within the city, is it in the community’s best interest to make this kind of change?
- 4) 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.).
- 5) 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?
- 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?

Decision Matrix

The following analytical framework is designed to help the commission address all the issues related to this request and cannabis land issues in general:

- A. Carr Building for Cannabis Production Establishment (CPE)?
 - 1. No = Negative recommendation for text change in the C-G Zone.
 - i. Findings that it is not a compatible use for the area or enough information is not available to make a positive recommendation.
 - 2. Yes
 - i. C-G Zone?
 - 1. Permitted?
 - 2. Conditional?
 - 3. Development Agreement?
 - ii. C-H Zone?
 - 1. Permitted?
 - 2. Conditional?
 - 3. Development Agreement?
- B. Cannabis Dispensary/Pharmacy – Must be Permitted Use in any non-residential zone.
 - 1. Any time/place/manner restrictions beyond state code?
 - 2. Change portions of A-1 to a residential zone?
 - i. Define area of new residential zone.
- C. Industrial Zones – Cannabis Production Establishments must be Permitted Use in at least one.
 - 1. I-G Zone
 - i. Permitted
 - 2. L-I Zone
 - i. Permitted, Conditional, or Restricted?
- D. Agricultural Zone – Cannabis Production Establishments must be Permitted Use in at least one zone.
 - 1. Create new agricultural zone designated for cannabis production?
 - i. Define new area

Options for Recommendations to City Council on Wholesome Therapy Application

There are many variations of recommendations that can be made to the council. This list simplifies the possible recommendations into four broad categories that can be modified by the commission as it sees fit.

As this application deals with property that is within the heart of the city's vital commercial district, staff strongly advises the commission to act cautiously, especially given the relative lack of information at this point.

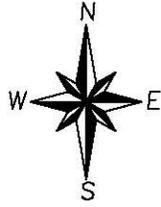
- A. As Requested
 - 1. Allow CPE as Conditional in C-G
 - 2. Allow CPE as Permitted in L-I

3. Allow CPE as Permitted in I-G
 4. Allow C-Pharmacy as Permitted in C-G (no additional regulations)
 5. Allow CPE as Permitted in A-1
- B. Allow, but in Commercial Highway
1. Allow CPE as Conditional in C-H and rezone Carr Property to C-H
 2. Allow CPE as Permitted in L-I
 3. Allow CPE as Permitted in I-G
 4. Allow C-Pharmacy as Permitted in C-G (no additional regulations)
 5. Allow CPE as Permitted in A-1
- C. Deny CPE in Commercial Zones and deny Carr property for CPE
1. Deny CPE as Conditional in C-H or C-G zones (check with property owner about still considering rezone to C-H for Carr property)
 2. Allow CPE as Permitted in L-I
 3. Allow CPE as Permitted in I-G
 4. Allow C-Pharmacy as Permitted in C-G (no additional regulations)
 5. Allow CPE as Permitted in A-1
- D. Strictly Limit CPE
1. Deny CPE as Conditional in C-H or C-G zones (check with property owner about still considering rezone to C-H for Carr property)
 2. Designate I-G as only industrial zone for CPE
 3. Create new additional agricultural zone (A-1c) and designate it for CPE (C-Pharmacy would still be permitted in both agricultural zones)

WEST BOUNTIFUL CURRENT ZONING MAP

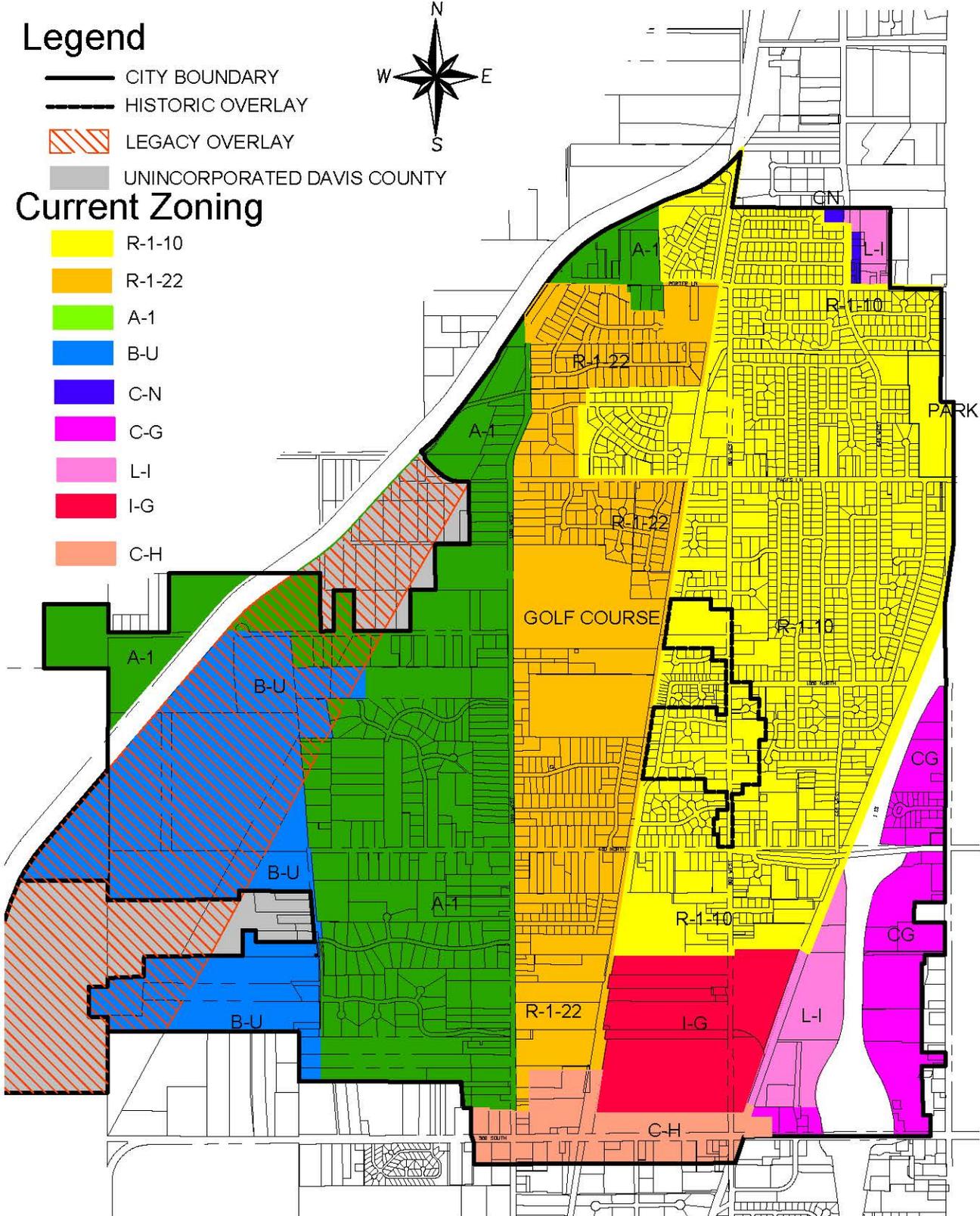
Legend

-  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





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: _____

Public Hearing Date: _____

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.

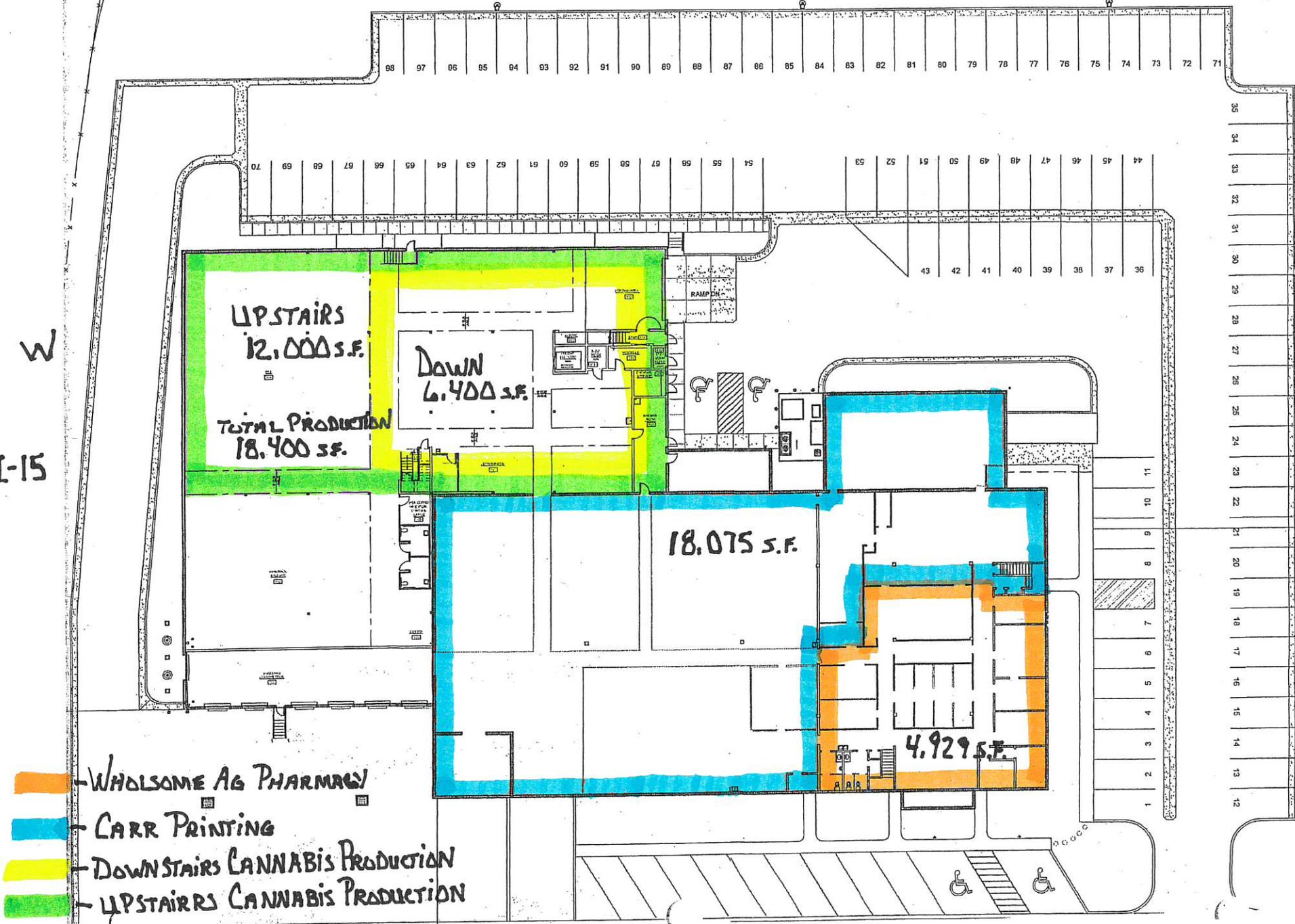
N

W

E

S

1-15



- WHOLSOME AG PHARMACY
- CARR PRINTING
- DOWNSTAIRS CANNABIS PRODUCTION
- UPSTAIRS CANNABIS PRODUCTION

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 26, 2020 beginning at 7:30 p.m.

The purpose of the hearing is to receive public comment regarding proposed changes to WBMC 16.12.060.5 that prohibits flag lots extending from a dead end street.

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

MEMORANDUM



TO: Planning Commission
DATE: May 22, 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 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.

A public hearing is scheduled for May 26. There are no changes to the proposal below previously reviewed by planning commission and Mr. Doxey.

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 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.**”*

16.04.020 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.*

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.

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 26, 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 proposed modifications to 17.16 that makes changes to allowed and permitted uses in the A-1 zone, for example allowing non-commercial structures as a permitted use in the A-1 zone.

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

MEMORANDUM



TO: Planning Commission

DATE: May 22, 2020

FROM: Cathy Brightwell, Duane Huffman

RE: Proposed Changes to 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.

A redline version from relevant sections of the A-1 zoning code is attached that includes the updated list of Permitted and Conditional Uses and includes a proposed definition for non-commercial structures.

A public hearing is scheduled for May 26, 2020.

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.

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

May 12, 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 May 8, 2020 per state statutory
6 requirement.

7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 12,
8 2020 at West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

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

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

15 **STAFF ATTENDING:** Duane Huffman (City Administrator), Cathy Brightwell (Recorder), Steve
16 Doxey (City Attorney) and Debbie McKean (Secretary)

17 **VISITORS:** Adam and Chelsey Winegar, Dino Pasqua, Steve Maxwell, Bruce Baird, Tonja Schenk,
18 Alex Iorg, William Goldberg, Richard Maloney

19 The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson.
20 Laura Charchenko offered a prayer.

21 **1. Accept Agenda**

22 Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda with the
23 change to title of Item #2- to read "Remove from Historic Overlay Zone" not Historic District.
24 Laura Charchenko seconded the motion. Voting was unanimous in favor among all members
25 present.

26 **2. Public Hearing - Request to Remove Property from Historic Overlay District- Winegar**
27 **788 North 800 West**

28
29 **Action Taken:**

30 **Corey Sweat moved to open the public hearing at 7:36 pm. Mike Cottle seconded the motion**
31 **and voting was unanimous in favor.**

32
33 **Public Comment:**

34 Tonya Schenk lives next door to the applicant and has been living in West Bountiful for four
35 years. She is part of the Eldridge family. She is concerned that it may become a common practice
36 to have residents ask to be removed from the historic zone as this is the third request in the past
37 several years. She wants to know how the district can be preserved if it is so easy to be removed.

38 She would also like to understand what differences there are between the regulations applied to
39 homes in the historic district and regular homes, why they are in place and if they were made to
40 be broken.

41
42 Chairman Hopkinson explained that these are not necessarily homes on the historic register but
43 are homes within the overlay district that do not want the additional building and design
44 restrictions placed upon them. He added that the properties previously removed from the
45 District were vacant lots.

46
47 Cathy Brightwell noted that the primary difference between the design regulations for garages in
48 the historical overlay zone and standard residential zones is that detached garages in the historic
49 district are required to be located in the rear yard as opposed to the side yard he prefers and
50 must match the home in design and materials. The regulations were put in place primarily to deal
51 with new construction in the Heritage Pointe subdivision as homes in this development were
52 required to be built with historical designs to better fit the neighborhood. The current
53 boundaries of the historic overlay zone are confusing as they include non-historic homes, and
54 there are historic homes that are not included within the District.

55
56 As a member of the historic architectural review board, Alan Malan commented that the overlay
57 zone captures the Historic District but is subject to the stricter building regulations.

58
59 Duane Huffman noted that people cannot remove themselves from the district without consent
60 of the City Council after a public hearing and recommendation from planning commission.
61 The city will be looking further into this zone and ordinance to see if there are modifications that
62 need to be made since the main function may not be necessary any longer.

63
64 There were no other public comments.

65
66 **Action Taken:**

67 ***Corey Sweat moved to close the public hearing at 7:47 pm. Mike Cottle seconded the motion***
68 ***and voting was unanimous in favor.***

69
70 **3. Consider Request to Remove Property at 788 N 800 West from Historic District.**

71 Commissioner packets included a staff memorandum from Cathy Brightwell and Duane Huffman
72 dated May 11, 2020 for a Request to Remove Property from the Historic District at 788 N 800
73 West along with an application and letter of request from Adam Winegar. The purpose of the
74 request is the petitioner wants to build a new garage on his property and his plans do not comply
75 with the requirements and restrictions of the Historical Overlay District.

76
77 **Commissioners Comments:**

78
79 **Dee Vest and Mike Cottle** are not supportive of this request and would like the whole district
80 reevaluated in the near future.

81
82 **Chairman Hopkinson** is supportive of the request and noted that there is different criteria from
83 National and State regulations for homes on the historical register. New homes located in the
84 district are not subjected to State and National regulations. Chairman Hopkinson would like
85 Staff to research if the zone and district is all inclusive before sending this recommendation to
86 City Council.

87
88 **Laura Charchenko, Alan Malan and Corey Sweat** support the request for the property owner
89 to build his garage but do not want it removed from the Historic District.

90
91 **Duane Huffman** is confused about the boundaries the Commissioners are referring to. Alan
92 Malan noted that the boundaries were established when the Overlay zone was adopted, and it
93 is not clear how or who decided which homes to include. Staff will do further research.

94
95 **ACTION TAKEN:**
96 ***Laura Charchenko moved to recommend approval of the request to remove the property at***
97 ***788 N 800 West from the Historic Overlay District for purposes of building a garage with the***
98 ***recommendation that the property remains within the Historic District. Corey Sweat***
99 ***requested that staff verify that the property will only be removed from overlay zone and not***
100 ***the Historical District. Corey Sweat seconded the motion and voting passed in favor 3 to 2***
101 ***with Mike Cottle and Dee Vest (alternate) voting nay.***

102
103 **4. Discuss Petition for Land Use Code Text Change for Cannabis Production**
104 **Establishment by Wholesome Therapy**

105
106 Commissioner packets included a memorandum from Duane Huffman dated May 8, 2020
107 regarding a Petition for Land Use Code text change for Cannabis Production Establishment from
108 Wholesome Therapy. Also included was the Petition and full supporting documentation.

109
110 Mr. Huffman explained that as part of this application to change the city's land use code text
111 received on May 1, 2020, the timeline requirements related to petitions involving cannabis
112 production facilities as found in UCA § 10-9a-528(3)(b) were invoked.

113 The proposed text change would:

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

120
121 Included in the justification for the text change, the applicant states that the change is intended
122 to make possible a cannabis production establishment at 580 W 100 N (known as the Carr
123 Building), along with a medical cannabis pharmacy at the same location. It appears that the

124 applicant would cultivate, process, and retail the product all on site, which would require three
125 separate licenses from the state. Their application includes explanations as to why Wholesome
126 Therapy believes that the referenced location and existing building are suitable for the requested
127 uses.

128
129 Mr. Huffman mentioned his concern with other companies that have tried to fit businesses in the
130 same building (Carr Building) and wonders if the surrounding tenants might have concerns that
131 would cause them to want to resign from or not renew their leases. He suggested that written
132 input from surrounding businesses be obtained before a decision is made.

133 134 **Utah Regulations – Cannabis**

135
136 Mr. Huffman provided a summary of statewide requirements related to cannabis as found in
137 Utah Code.

- 138 a. The city is required to act within 45 days after a petition is made which gives us until June
139 15, 2020 to either enact an ordinance that regulates cannabis production establishments or
140 make a land use decision on the application consistent with current code.
- 141 b. Cannabis Production Establishments are defined as meaning “a cannabis cultivation facility,
142 a cannabis processing facility, or an independent cannabis testing laboratory.” Under the
143 current request, all three uses would be permitted uses within the A-1 and L-I zones, and a
144 conditional use within the C-G zone.
- 145 c. Unless the city otherwise designates by ordinance before June 15, 2020, all three types of
146 cannabis production establishments will be permitted uses within each industrial zone (L-I
147 and I-G). The city may designate just one of these zones if it so chooses.
- 148 d. Unless the city otherwise designates by ordinance before June 15, 2020, all three types of
149 cannabis production establishments will be permitted uses within any agricultural zone in
150 the city (currently, only the A-1 zone). To avoid this result, the city would need to create a
151 new agricultural zone, clarify that the current A-1 zone is not an agricultural zone, or both.
152 It is important to note that state code does not require that a city allow cannabis
153 production establishments within a commercial zone.
- 154 e. Medical cannabis pharmacies are a permitted use “in any zone, overlay, or district within
155 the municipality except for a primarily residential zone.” A city may enact an ordinance
156 that governs the time, place, or manner of medical cannabis pharmacy operations in the
157 municipality (as long as it doesn’t conflict with the state code). Under this language, a
158 medical cannabis pharmacy is likely already a permitted use in all zones except the R-1-10
159 and R-22-zones so it will be allowed at the Carr Building. The proposed text change would
160 essentially clarify that West Bountiful is not enacting any additional “time, place, or
161 manner” regulations.

162
163 Staff provided the following items for Planning Commission discussion.

- 164
165 1. Timing – As state code provides minimal timing for a decision to be made, a public
166 hearing is scheduled for the May 26th meeting. The planning commission should do
167 whatever is necessary to have a recommendation for the city council at that meeting.
168 Staff is working to prepare a proposed medical cannabis ordinance for consideration at
169 the same meeting.

- 170 2. Agricultural and Industrial Zones – Should actions be taken to limit cannabis production
171 establishments to one of the city’s industrial zones, or are they appropriate for both
172 zones? Should any modifications be made to the number or type of agricultural zones or
173 to the current areas considered “agricultural” to limit the areas wherein these facilities
174 may locate? For example, should the city create an “R-1-43” zone in which agriculture is a
175 permitted use, but the primary purpose of the zone is large lot (1 acre) residential?
176 3. Pharmacies – Is there any interest in enacting time, place or manner regulations on
177 medical cannabis pharmacies? It should be noted that state regulations currently include
178 a significant number of these types of regulations (signage, operations, etc.).
179 4. Commercial Zone – Would allowing cannabis production facilities within the C-G zone be
180 in the best interest of the community? Does it fit within the principals of the general
181 plan? Does it fit within the stated purpose of the C-G zone? It is important to note that if
182 the use is inserted within the C-G zone, it would be permitted throughout the entire zone,
183 and not just in the Carr Building.
184 5. The Carr Building – If the planning commission is concerned with allowing cannabis
185 production facilities within the full C-G zone, but believes that the Carr Building property
186 may be suitable, would it consider changing the zone of the Carr Building to an industrial
187 zone? Given the very limited commercial space within the city, is it in the community’s
188 best interest?
189 6. Proximity Regulations—State law prohibits the location of a cannabis production
190 establishment within 1,000 feet of a community location which is defined as including a
191 public or private school. Does the planning commission consider the Kumon Center a
192 private school?
193

194 Mr. Baird, on behalf of Wholesome Therapy, said this business would fit into the zone well and
195 meets the goals for the city’s general plan. He feels that under the conditional use process all
196 concerns can be mitigated regarding the production facility and the facilities are under strict
197 regulations from the State. He supports the idea of having input from the surrounding
198 businesses and suggested that it be done before the public hearing is held. He added that West
199 Bountiful claims in its General Plan that there is only one school in the city, West Bountiful
200 Elementary school, so the Kumon Tutoring center should not be considered a school.

201 Duane Huffman suggested the comments from the neighboring property owner (Thackeray
202 Group) be provided in writing. He asked the Commission to consider whether the requested
203 use fits within the Carr Building. If yes, then what zone should it be in? Industrial, C-H? If no,
204 why not? He noted that any decisions made now would impact future occupants. He
205 reiterated that the agricultural zoning issue needs to be addressed in the near future.
206

207 **Commissioners Comments:**
208

209 **Chairman Hopkinson** noted that we need to be prepared to address the public regarding this
210 matter and have the recommendation we want to make to the City Council at the May 26th
211 meeting. He asked the commissioners to review the material that has been given to them so
212 they can make a decision and move forward with this proposal. He noted that there are state
213 land use laws in place now that are driving city land use ordinances. He does not like to be

214 strong armed by the State to run our City in the way we feel may not be in the best interest of
215 our citizens.

216
217 **Corey Sweat** is concerned about spot zoning and opposed to such. He would support language in
218 the C-H zone to make the request feasible for the applicant without harming the zone. He asked
219 what precedent we set moving in this direction regarding the A-I zone.

220
221 **Mike Cottle** agrees with Corey Sweat regarding spot zoning. He agrees that business
222 surrounding the Carr building be given an opportunity to provide input.

223
224 **Alan Malan** does not want to rezone that area expressing that much thought went into that area
225 when they put the zone in the first place. Kumon center is a private tutoring school and needs to
226 be considered a school in relationship to the location of this business.

227
228 **Dee Vest** is interested in getting input in writing from surrounding businesses. He is concerned
229 about additional traffic in an area that is already congested. He is nervous about the production
230 facility and will ponder the CH zone idea that has been suggested.

231
232 **Laura Charchenko** is against rezoning from the CG to the LI zone. She thinks that if we make it a
233 conditional use in the CG zone, the City will be able to maintain control. She is not concerned
234 about the traffic since it will be less than a standard retail establishment. She added that in her
235 opinion, Kumon is a tutoring center and not a school.

236
237 Kelly Enquist welcomes this pharmacy and stated he is glad that the building will be utilized. He
238 has concerns about the production establishment and if it will affect air quality. He supports
239 having it a conditional use in the CH Zone.

240
241 Duane Huffman addressed the spot zoning issue. There is nothing in state code that prevents
242 them from changing the zone from CG to LI. He referred to the zoning map and noted that the
243 Carr Building which is a more industrial building borders both the LI and the CG zones with only
244 the freeway dividing the zone.

245
246 Steve Maxwell commented that the disposal of the buds is heavily state regulated and there will
247 be no odors expelled into the air as cleansing handlers will be used.

248
249 Mr. Baird also stated that spot zoning is not illegal. He noted that it is possible to blend a
250 conditional use tailoring it to a specific zone. He also pointed out that text changes can be tricky,
251 and a development agreement could be a good tool to use as well.

252
253 Steve Doxey recommended a statement from Thackery should be received by May 20th so it can
254 be included in the city council packet. He reminded them that cannabis will be allowed in the A-1
255 zone and a designation needs to be made by the city quickly as to how they want to regulate the
256 zone. He recommends doing it as a package to give to the City Council at the same time they
257 consider the Wholesome Therapy petition.

258

259 Mr. Huffman briefly introduced the proposal as part of a new Cannabis ordinance that is likely to
260 be made by Staff which would add a new Agricultural zone such as A-1B and designate much of
261 the existing A-1 as a R-1-43 zone thereby prohibiting medical cannabis pharmacies from going in.
262 Changing the name of the zone does not change the use it just clarifies that it is primarily
263 residential as opposed to primarily agricultural. He pointed out a few areas in the city that could
264 be rezoned as strictly agricultural.

265
266 Corey Sweat asked if it would be an option not to allow this at all. Duane clarified that the
267 pharmacy is allowed in any non-residential zone and the production establishment is allowed in
268 Commercial or Industrial zones.

269
270 **5. Discuss Proposed Changes to Restrictions for Flag Lots on Dead-end Streets.**

271
272 Commissioner packets included a memorandum from Cathy Brightwell and Duane Huffman
273 dated May 8, 2020 regarding Restrictions for Flag Lots on Dead-end streets and a redline copy of
274 proposed changes.

275
276 Cathy Brightwell explained that the Planning commission has been discussing restrictions for flag
277 lots on dead end streets after a resident requested a flag lot be included as part of a subdivision,
278 he is proposing at 1390 W 1200 North.

279
280 In previous discussions, commissioners agreed that a dead-end street and cul-de-sac are similar.
281 The primary difference is that one is intended to remain permanently closed and the other may
282 or may not remain permanently closed. The maximum length of a cul-de-sac is 400 feet. To
283 recognize the same maximum length when determining where the staff of a flag lot can begin on
284 a dead-end street, it is proposed that the flag lot staff be allowed anywhere beyond 400 ft from
285 the end of a dead-end street.

286
287 The redlined copy with proposed language changes is shown below:

288
289 WBMC 16.12.060.5 is proposed to change as follows: *“the staff of the Flag lot cannot extend from*
290 *intersections, street corners, cul-de-sacs, or **within four-hundred feet of the closed end of a dead end***
291 *street. **If the dead end street has a turnaround at the closed end, the distance will be measured***
292 ***from the center of the turnaround.**”*

293
294 WBMC 16.04.020 Definitions: Current: "Cul-de-sac" means a street which is designed to remain
295 permanently closed at one end, with the closed end terminated by a vehicular turnaround.
296 Add new: ***“Dead end street” means a street with only one way in or out. It may or may not have a***
297 ***turnaround for vehicles at the closed end.**”*

298
299 Mr. Doxey has reviewed the proposal and a public hearing is scheduled for May 26, 2020.

300
301 **Commissioner Comments:** All Commissioners were supportive of the changes proposed above.

302
303
304 **6. Discuss Proposed Changes to Uses in the A-1 Zone including Non-Commercial**
305 **Structures.**

306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353

Commissioner packets included a memorandum dated May 8, 2020 from Cathy Brightwell and Duane Huffman regarding A-1 Uses, including storage structures.

Cathy Brightwell reviewed discussions from previous planning commission meetings to allow properties in the A-1 zone to have non-commercial structures for non-agricultural storage when there is not a house on the property. She noted that rather than go through a process to designate the structure as non-residential and non-commercial as discussed in the last meeting, Mr. Doxey suggested putting criteria in the code which provides consequences if the property is not being used properly. He suggests that the default would be the principal building deemed as an accessory structure and recorded with the property.

Corey Sweat has an issue with having a recorded agreement running with the land. He wants to protect the owner but agrees there should be consequences for non-compliance. Mr. Doxey explained that this is not a lien but a way to makes future owners aware of restrictions on their property as well as clarify the zoning the current owner has agreed to. He does not think a non-recorded agreement would work.

Duane Huffman added that the city has no way to communicate with the next buyer about restrictions on a property other than to record an agreement. He stated that it also protects the City.

Chairman Hopkinson commented that he believes it is necessary. He does not want to incumber the owner or the future buyer but wants them to be able to determine the use at the present time. Duane noted that it is not that hard to remove the recorded agreement when no longer needed.

The following are the suggested changes for the public hearing on May 26, which have been reviewed by Mr. Doxey.

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.**

354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399

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. Residential facility for elderly persons;
 7. Kennels (pursuant to Chapter 5.28 Home Occupations);
 8. Residential facility for Elderly Persons;
 9. Accessory Dwelling Units (ADU); and
 10. 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.

Commissioner Comments:

After some discussion, all Commissioners were supportive of the language.

7. Public Hearing to Consider Proposed Changes to Title 16 Subdivision Timelines.

Action Taken:

Mike Cottle moved to open the public hearing at 9:01 pm. Laura Charchenko seconded the motion and voting was unanimous in favor.

Public Comment: No comments made.

Action Taken:

Corey Sweat moved to close the public hearing at 9:02 pm. Alan Malan seconded the motion and voting was unanimous in favor.

8. Consider Changes to Title 16 Subdivision Timelines.

Commissioner packets included a memorandum from Cathy Brightwell dated May 8, 2020 regarding Subdivision Timelines with a redline copy of proposed changes to the ordinance. 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.

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**

400 period ~~may be extended by the city council~~ for ~~up to a maximum of two~~ additional periods of up to six
401 (6) months ~~period each~~ for good cause shown. The subdivider must petition in writing for ~~this the first~~
402 extension ~~at least forty-five (45) days~~ prior to the expiration of the original ~~six-twelve (12) month~~
403 ~~period. The~~A subdivider~~may desiring a second extension must petition in writing for an additional six~~
404 ~~(6) month extension at least forty-five (45) days~~ prior to the expiration of the first extended period. No
405 extension will be granted if it is determined that it will be detrimental to the city. If any of the fees
406 charged as a condition of subdivision approval have increased, the city may require that the bond
407 estimate be recalculated and that the sub-divider pay any applicable fee increases as a condition of
408 granting an extension.

409

410 16.28.070 Drainage Plan

411

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

420

421 **Action Taken:**

422 ***Alan Malan moved to accept the changes made to Title 16 Subdivision Timelines as presented***
423 ***and forward to the City Council for their review and consideration. Corey Sweat seconded the***
424 ***motion and voting was unanimous in favor.***

425

426 **9. Consider Additional Changes to Off-street Parking Ordinances, WBMC 17.52**

427

428 Commissioner's packets included a memorandum date May 8, 2020 from Cathy Brightwell
429 regarding Off-street Parking Ordinances, WBMC 17.52.

430

431 Ms. Brightwell explained that updates to the city's off-street parking ordinance have been
432 discussed for several months by the planning commission and a public hearing was held on
433 January 14, 2020 with no public comments offered. A few clarifications were suggested at the
434 last meeting which have been incorporated in the attached draft and shown in highlights. An
435 additional modification is included that formalizes the city's policy of allowing residential
436 properties on corners to have a driveway on each street. It has also been proposed that the total
437 drive approach width be increased from 32 ft to 36 ft. to better match the width of triple car
438 garages that are becoming more common as each standard single driveway is typically 12 ft.
439 wide.

440

441 There was discussion about removing an existing restriction the prohibits driveways from the
442 rear property line. They explored the few areas in the City where this could happen, primarily
443 cul-de-sacs and did not see any areas that would be a problem. The new proposal will allow
444 street frontages on two streets as long as the primary access is in the front.

445

446 These proposed changes have been reviewed by legal counsel.

447

448 **Commissioner Comments:**

449 **Dee Vest** is supportive of the proposed changes.

450 **Laura Charchenko** is in favor of letting landowners do what they want on their property as long
451 as there is no safety issue.

452 Resident, William Goldberg commented that he feels he should not be restricted from having a
453 driveway all along the 85 feet frontage of his property if he chooses.

454 **Corey Sweat** asked why this would be an issue. Chairman Hopkinson noted that it mostly affects
455 the R-1-10 and R-1-22 zone. He gave an example of what could be a potential safety hazard and
456 shared his understanding of his reason for the limitations including drainage problems and
457 homes having parking lots in their front yards. Mr. Sweat asked Mr. Doxey to decide if we want
458 the definition included in. Mr. Doxey said another option would be to use percentages instead of
459 footage which may work well in A-1 but may not work for small properties.

460 **Action Taken:**

461 ***Alan Malan moved to approve the additional changes to Off-street Parking Ordinance, WBMC***
462 ***17.52 as presented this evening and forward it to City Council for their consideration. Mike***
463 ***Cottle seconded the motion and voting was unanimous in favor.***

464

465 **10. Staff Report**

466

467 **Cathy Brightwell:**

468

- There are new owners of the Woodhaven Trailer Court. They want to add more trailers in
469 that area and are trying to determine if they need to request a zone change as the
470 property is located within two zones. This will be a complicated issue as it is a non-
471 conforming grandfathered use with little history and split zoning. There are also access
472 issues from 500 South to consider.

473 **Duane Huffman:**

474

- The city has been contacted by attorneys representing Equestrian Partners (Plumb
475 Property) claiming the recent modifications to the General Plan did not meet the
476 legislative requirements for moderate income housing. He will keep them posted.

477 **Commission Questions:**

478

- Chairman Hopkinson inquired about a trailer that has been on the Elks Lodge property for
479 some time that appears to have set up residency.
- Corey Sweat noticed a powder coat oven at the business at 1100 W and 500 S. He noted
481 that is not a good idea to have that piece of equipment set up in the middle of the
482 parking lot. Staff will send the fire department out to look at it.

483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501

11. Consider Approval of Minutes from April 28, 2020 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the April 28, 2020 meeting as presented. Laura Charchenko 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 9:34pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

.....

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

Cathy Brightwell – City Recorder