

**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

**City Recorder**  
Cathy Brightwell

Phone (801) 292-4486  
FAX (801) 292-6355  
[www.WBCity.org](http://www.WBCity.org)

Mike Cottle  
Alan Malan  
Corey Sweat  
Dennis Vest, Alternate

\*\*\*\*\*

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

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**THE PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM  
ON TUESDAY, JUNE 23, 2020 AT CITY HALL, 550 N 800 WEST**

Prayer/Thought by Dennis Vest

1. Accept Agenda.
2. Public Hearing to Consider a Land Use Decision on Cannabis Production Establishment Petition at 580 W 100 North, and Medical Cannabis Ordinance Including Text Amendments to Existing Code, Potentially Affecting the Commercial-Highway, Light Industrial, Industrial General, Agricultural (A-1), and a Potential New Agricultural Zone.
3. Land Use Decision on Cannabis Production Establishment Petition at 580 W 100 North, and Medical Cannabis Ordinance Including Text Amendments to Existing Code, Potentially Affecting the C-H, L-I, I-G, A-1, and a Potential New Agricultural Zone
4. Conditional Use Application for Michael & Pam Vogel for a Home Occupation business.
5. Request from Jed Christensen for Hay Barn at 1347 N 800 West.
6. Conditional Use Application for Tyson Davis for an Accessory Dwelling Unit.
7. Conditional Use Application for Ben Savage for an Accessory Dwelling Unit.
8. Consider Final Plat Approval for Ashby Acres at the corner of 1100 West and Pages Lane.
9. Staff report.
10. Consider Meeting Minutes from June 9, 2020.
11. Adjourn.

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**Join Zoom Meeting – Meeting ID: 810 1037 3398**

<https://us02web.zoom.us/j/81010373398>

One tap mobile +14086380968,,81010373398# US (San Jose)  
+16699006833,,81010373398# US (San Jose)

Dial by your location

+1 408 638 0968 US (San Jose)	+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)	+1 346 248 7799 US (Houston)
+1 646 876 9923 US (New York)	+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)	

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*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 June 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  
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**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, June 23, 2020 at West Bountiful city hall, 550 N 800 West beginning at 7:30 p.m., or as soon thereafter as the agenda allows.

The purpose of the hearing is to consider a land use decision on a cannabis production establishment petition at 580 W 100 North, and medical cannabis ordinance including text amendments to existing code, potentially affecting the Commercial-Highway, Light Industrial, Industrial General, Agricultural (A-1), and a potential new agricultural zone.

Information is available for review at [www.WBCity.org](http://www.WBCity.org) under the Public Notice tab. All interested parties are invited to participate in the hearing. If unable to attend, written comments and questions may be submitted to [info@WBCity.org](mailto:info@WBCity.org) prior to the meeting.

Cathy Brightwell  
City Recorder



APPLICATION

West Bountiful City  
PLANNING AND ZONING

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: 6/3/20

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

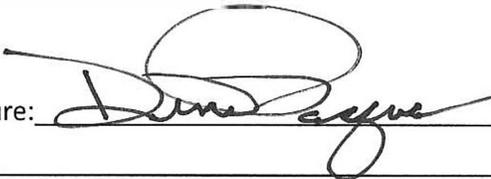
Primary phone: (801) 776-8111 E-mail address: dino@durbanogroup.com

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: 6/3/20

Applicant Signature: 

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: 5/1/2020 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 517.16.020 (Agricultural District, A-I, Permitted Uses); 517.32.020, 030 (Commercial General District, C-G, Permitted and Conditional Uses); and 517.36.020 (Light Industrial District, L-I, Permitted Uses):

517.16.020 — Agricultural District, A-I, Permitted Uses:

"F. Cannabis Production Establishment as defined by Utah Code Ann. 54-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

517.32.020 — Commercial General District, C-G, Permitted Uses:

"B. Drug Store, including Medical Cannabis Pharmacy as defined by Utah Code Ann. 54-41a-102;

517.32.030 — Commercial General District, C-G, Conditional Uses:

"N. Cannabis Production Establishment as defined by Utah Code Ann. 54-41a-102 and permitted under Title 4, Utah Agricultural Code, Chapter 41a, Cannabis Production Establishments.

517.36.020 — Light Industrial District, L-I, Permitted Uses:

"J. Cannabis Production Establishment as defined by Utah Code Ann. 54-41a-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") 5 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 517-27a-525.

## REASONS THE PROPOSED TEXT CHANGE/AMENDMENT IS APPROPRIATE AND NECESSARY

Utah recently adopted the Hemp and Cannabinoid Act ("HCA"; UCA 54-41, et seq., effective 5/14/2019) as well as Cannabis Production Establishments ("CPE"; CICA 54-41a, et seq., effective 12/3/18) providing for the cultivation, processing and sale of medical cannabis statewide.

Pursuant to HCA 510-9a-528(b)(i), as cited above, West Bountiful City has yet to adopt/amend its zoning regulations to comply with CPE 54-41a-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 517.32.030 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. 54-41a-102. Cannabis Production Establishments are defined by the CPE to permit "cultivation" and "processing" of cannabis for medicinal purposes. See Utah Code Ann. 54-41a-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 (517.52.040). 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 15<sup>th</sup> 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.

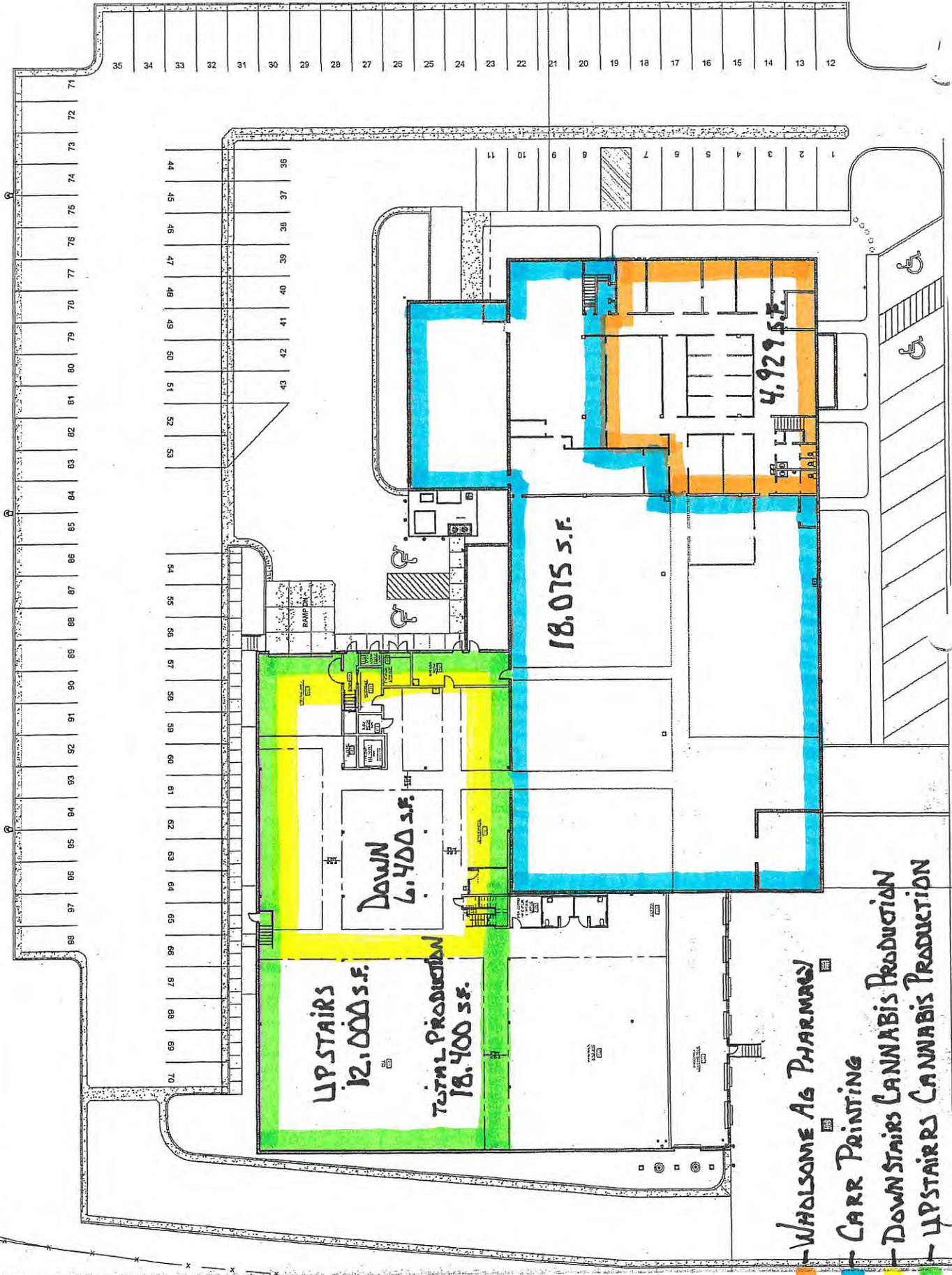
N

E

W

I-15

S



UPSTAIRS  
12,000 S.F.

TOTAL PRODUCTION  
18,400 S.F.

DOWN  
6,400 S.F.

18,075 S.F.

4,929 S.F.

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



# MEMORANDUM

**TO:** Planning Commission

**DATE:** June 19, 2020

**FROM:** Duane Huffman

**RE:** **Petition for Land Use Code Text Change for Cannabis Production Establishment and Medical Cannabis Ordinance – 17.62**

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Discussions on Wholesome Therapy's request for a text change for cannabis production establishment and a new cannabis ordinance have been ongoing for a couple months.

## History:

- On May 1, 2020, an application was filed to change the city's land use code text related to Cannabis Production Establishments and Medical Cannabis Pharmacies.
- On May 26, 2020, Wholesome Therapy withdrew (temporarily) their petition as it relates to cannabis production establishments. A previously scheduled public hearing was held.
- On June 2, 2020 the city council adopted Ordinance 425-20 adding Medical Cannabis Pharmacy as a Permitted Use in the C-G zone.
- On June 3, 2020 Wholesome Therapy resubmitted their original application.
- On June 4, 2020 Wholesome Therapy provided written responses to questions from the city.
- On June 23, 2020, a new hearing on the petition and proposed ordinance is scheduled.
- A final decision on the Petition is due by July 18 (or city council regularly scheduled meeting on July 7).

As requested by planning commission, a proposed new ordinance and text changes are attached for consideration by planning commission.

## 17.62 Medical Cannabis Pharmacies and Cannabis Production Establishments

### 17.62.010 Purpose

This chapter is intended to implement, within the city, the land use, and other regulations provided in the Utah Medical Cannabis Act, *Utah Code Ann.* § 26-61a-101, *et seq.*; Cannabis Production Establishments, *Utah Code Ann.* § 4-41a-101, *et seq.*; and any other applicable state law relative to medical cannabis pharmacies and cannabis production establishments. State law will govern to the extent of any conflict between this chapter and state law.

### 17.62.020 Definitions

Unless the context requires otherwise or another definition is provided in state law, the following definitions shall be used in the interpretation and construction of this title. Words used in this title but not defined herein shall have the meanings defined in any other provision of the West Bountiful Municipal Code.

“**Cannabis**,” also known as marijuana, means all species of the genus cannabis and all parts of the genus, whether growing or not, including seeds; resin extracted from any part of the plant, including the resin extracted from mature stalks; every compound, manufacture, salt, derivative, mixture, or preparation of the plant, seeds, or resin; and any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis which are chemically indistinguishable and pharmacologically active. Cannabis does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from them), fiber, oil or cake; or the sterilized seed of the plant which is incapable of germination.

“**Cannabis cultivation facility**” means a person that:

1. Possesses cannabis;
2. Grows or intends to grow cannabis; and
3. Sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

“**Cannabis processing facility**” means a person that:

1. Acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under the Hemp and Cannabinoid Act, *Utah Code Ann.* § 4-41-101, *et seq.*;
2. Possesses cannabis with the intent to manufacture a cannabis product;
3. Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
4. Sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

“**Cannabis product**” means a product that is intended for human use; and contains cannabis or tetrahydrocannabinol.

“**Cannabis production establishment**” means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

“**Community Location**” means a public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park.

“**Independent cannabis testing laboratory**” means a person that conducts a chemical or other analysis of cannabis or a cannabis product; or acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.

“**Medical cannabis**” means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

“**Medical cannabis pharmacy**” means a person that:

1. a. acquires or intends to acquire:
  - i. cannabis in a medicinal dosage form or cannabis product in a medicinal dosage form from a cannabis processing facility; or
  - ii. a medical cannabis device; or
- b. possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and
2. sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

“**Medical cannabis research licensee**” means a research university that the Utah Department of Agriculture and Food licenses to obtain and possess medical cannabis for academic research, in accordance with *Utah Code Ann. § 4-41a-901*.

“**Primarily Residential**” zone, for purposes of this chapter and any applicable state law in determining the location of any medical cannabis pharmacy or medical cannabis production establishment, means residential zoning districts A-1, R-1-10, and R-1-22, and all other residential zoning districts, including overlay zones, where the majority of the buildings in the zone are used, in whole or in part, for dwelling units.

### **17.62.030 Medical Cannabis Pharmacies**

The following standards apply to all medical cannabis pharmacies:

1. Generally.
  - a. Medical cannabis pharmacies shall comply with all state law requirements, including those related to security, access, licensing, advertising, and operations.
  - b. A medical cannabis pharmacy shall comply with the land use regulations for the zoning district in which it is located.
  - c. Medical cannabis pharmacies shall not be located in or within 600 feet of a district that is zoned primarily residential or within 200 feet of a community location measured from the nearest entrance to the cannabis production establishment following the shortest ordinary route of pedestrian travel to the boundary of the community location or residential zone.
  - d. An applicant for a land use permit to operate a medical cannabis pharmacy shall comply with the land use requirements and application processes described in the Municipal Land Use, Development, and Management Act, *Utah Code Ann. § 10-9a-101, et seq.*; and the West Bountiful Municipal Code.

- e. Each medical cannabis pharmacy shall obtain a city business license before conducting business within the city and shall be subject to all business license requirements, including any requirements that are specific to medical cannabis pharmacies.
2. Hours of Operation. Unless state law specifies other maximum hours of operation, hours of operation for medical cannabis pharmacies shall commence no earlier than 7:00 am and end by 10:00 pm.
  3. Advertising. A medical cannabis pharmacy may not advertise in any medium, except as provided in this section.
    - a. A medical cannabis pharmacy may use signage on the outside of the medical cannabis pharmacy that:
      - i. includes only the medical cannabis pharmacy's name and hours of operation, and a green cross.
      - ii. does not exceed four feet by five feet in size; and
      - iii. complies with city signage regulations.
    - b. A medical cannabis pharmacy may maintain a website that includes information about:
      - i. the location and hours of operation of the medical cannabis pharmacy;
      - ii. a product or service available at the medical cannabis pharmacy;
      - iii. personnel affiliated with the medical cannabis pharmacy;
      - iv. best practices that the medical cannabis pharmacy upholds; and
      - v. educational material related to the medical use of cannabis.
  4. Appearance.
    - a. The exterior façade of a medical cannabis pharmacy shall maintain the natural color and appearance of the building in a manner that avoids drawing special attention to the building.
    - b. No cannabis products shall be promoted or visible from outside a medical cannabis pharmacy.

#### **17.62.040 Cannabis Production Establishments**

The following standards apply to all cannabis production establishments:

1. Generally.
  - a. Cannabis production establishments shall comply with all state law requirements, including those related to security, access, licensing, advertising, and operations.
  - b. A cannabis production establishment shall comply with the land use regulations for the zoning district in which it is located.
  - c. Cannabis production establishments shall not be located in or within 600 feet of a district that is zoned as primarily residential or within 1,000 feet of a community location measured from the nearest entrance to the cannabis production establishment following the shortest ordinary route of pedestrian travel to the boundary of the community location or residential zone.
  - d. Cannabis production establishments shall be designed to filter inside air exchanges to the outside through air filter systems to prevent the emission of dust, fumes, vapors, odors or waste into the environment.
  - e. An applicant for a land use permit to operate a medical cannabis pharmacy shall comply with the land use requirements and application processes described in the Municipal Land Use, Development, and Management Act, *Utah Code Ann. § 10-9a-101, et seq.*; and the West Bountiful Municipal Code.
  - f. Each cannabis production establishment shall obtain a city business license before conducting business within the city and shall be subject to all business license requirements, including any requirements that are specific to cannabis production establishments.

2. Advertising. A cannabis production establishment may not advertise to the general public in any medium, except as provided in this section.
  - a. A cannabis production establishment may advertise an employment opportunity at the cannabis production establishment.
  - b. A cannabis production establishment may maintain a website that:
    - i. contains information about the establishment and employees; and
    - ii. does not advertise any medical cannabis, cannabis products, or medical cannabis devices.
  - c. A cannabis production establishment may use signage on the outside of the medical cannabis pharmacy that:
    - i. includes only the cannabis production establishment's name and hours of operation, and a green cross.
    - ii. does not exceed four feet by five feet in size; and
    - iii. complies with city signage regulations.
  
3. Appearance.
  - a. If a cannabis production establishment is located in an enclosed building, the exterior façade of the cannabis production establishment shall maintain the natural color and appearance of the building in a manner that avoids drawing special attention to the building.
  - b. No cannabis products shall be promoted or visible from outside a cannabis production establishment.

## **Chapter 17.28 Commercial Neighborhood District, C-N**

### **17.28.020 Permitted Uses**

M. Ceramics business; ~~and~~

N. Carpet cleaning; ~~and~~

O. Medical cannabis pharmacy, as defined in Chapter 17.62.

### **17.28.035 Prohibited Uses**

The following uses are prohibited in the C-N commercial neighborhood districts:

\* \* \*

B. Retail e-cigarette specialty businesses; ~~and~~

C. Sexually oriented businesses; ~~and~~

D. Cannabis production establishment, as defined in Chapter 17.62.

## **Chapter 17.32 Commercial General District, C-G**

### **17.32.020 Permitted Uses**

The following uses are permitted in the C-G commercial general districts:

- K. Medical ~~C~~cannabis ~~P~~pharmacy, as defined ~~by Utah Code~~in Chapter 17.62.

### **17.32.035 Prohibited Uses**

The following uses are prohibited in the C-G commercial general district:

\* \* \*

- B. Retail e-cigarette specialty businesses; ~~and~~
- C. Sexually oriented businesses; ~~and~~
- D. Cannabis production establishment, as defined in Chapter 17.62.

### ~~17.32.100 Medical Cannabis Pharmacies~~

~~A medical cannabis pharmacy may only operate between the hours of 7 a.m. and 10 p.m.~~

### ***Option 1: Rezone Carr Building to C-H and make CPEs in that zone a conditional use:***

## **Chapter 17.34 Commercial Highway District, C-H**

### **17.34.020 Permitted Uses**

The following uses are permitted in the C-H commercial highway district:

\* \* \*

- H. Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping; ~~and~~
- I. Indoor storage units; ~~and~~
- J. Medical cannabis pharmacy, as defined in Chapter 17.62.

### **17.34.030 Conditional Uses**

The following uses are conditional in the C-H commercial highway district:

- N. Retail e-cigarette specialty businesses; ~~and~~
- O. Cannabis production establishment, as defined in Chapter 17.62; and

P. Other commercial businesses which are similar to those listed in this section and Section 17.36.020, as determined by the planning commission

**Option 2: Deny rezone of Carr Building to C-H:**

**17.34.020 Permitted Uses**

The following uses are permitted in the C-H commercial highway district:

\* \* \*

H. Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping; ~~and~~

I. Indoor storage units; ~~and~~

J. Medical cannabis pharmacy, as defined in Chapter 17.62.

**17.34.040 Prohibited Uses**

\* \* \*

K. Retail tobacco specialty businesses; ~~and~~

L. Single retail unit space over seventy-five thousand (75,000) square feet; ~~and~~

M. Cannabis production establishment, as defined in Chapter 17.62.

**Chapter 17.36 Light Industrial District, L-I**

**17.36.020 Permitted Uses**

The following uses are permitted in the L-I light industrial districts:

\* \* \*

H. Retail commercial uses; ~~and~~

I. Sexually oriented businesses; ~~and~~

J. Medical cannabis pharmacy, as defined in Chapter 17.62.

**17.36.030 Conditional Uses**

The following uses are conditional in the L-I light industrial districts:

\* \* \*

- B. Cannabis production establishment, as defined in Chapter 17.62.
- C. Other uses and businesses which are ~~considered~~ similar to those listed in this section and Section 17.36.020, as determined by the planning commission.

## **Chapter 17.40 Industrial General District, I-G**

### **17.40.020 Permitted Uses**

The following uses are permitted in the I-G industrial general districts:

\* \* \*

- 7. electronic and electrical products; ~~and~~
- G. Public and quasi-public institutions;
- H. Medical cannabis pharmacy, as defined in Chapter 17.62; and
- I. Cannabis production establishment, as defined in Chapter 17.62.

### **17.40.030 Conditional Uses**

The following uses are conditional in the I-G industrial general districts:

\* \* \*

- D. Other uses and businesses which are ~~considered~~ similar to those listed in this section and Section 17.40.020, as determined by the planning commission.

## **Chapter 17.14 Agricultural Specialty District, A-S**

### **17.14.010 Purpose**

The purpose of the A-S agricultural specialty district is to promote and preserve in appropriate areas conditions favorable to agriculture and ~~to~~ maintaining greenbelt open spaces. This district is intended to include activities normally and necessarily related to agricultural use, and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow associated residential uses, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

### **17.14.020 Permitted Uses**

The following uses are permitted in the A-S agricultural specialty district:

- A. Agricultural;

- B. Single family dwelling;
- C. Farm Animals;
- D. Home Occupations;
- E. Residential facility for persons with a disability;
- F. Medical cannabis pharmacy, as defined in Chapter 17.62; and
- G. Cannabis production establishment, as defined in Chapter 17.62.

The remainder of Chapter 17.14 should mirror Chapter 17.16 Agricultural District A-1, except changing the label in each instance to A-S agricultural specialty district.

## Chapter 17.16 Agricultural District, A-1

### 17.16.010 Purpose

The purpose of ~~providing~~ the A-1 agricultural district ~~A-1~~ is **primarily residential**, ~~to~~ while also promoting and preserving in appropriate areas conditions favorable to agriculture and ~~to~~ maintaining greenbelt open spaces. This district is intended to include activities normally and necessarily related to the ~~conduct of residential and~~ **agricultural use**, and to protect the district from the intrusion of uses harmful to the continuance of **residential and** 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.

# MEMORANDUM



**TO:** Planning Commission

**DATE:** June 19, 2020

**FROM:** Staff

**RE:** Conditional Use Permit Request for Vogel Crane Service – 2122 N 1000 W

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Michael and Pam Vogel applied for a Home Occupation business license to have a home office in their house. They live on a half-acre lot in Kinross Estates that backs up to an empty field. They own a Crane service company that builds homes.

As discussed at the June 9, 2020 planning commission meeting, the Vogel's own two crane trucks that they park at their home when not in use. When needed, the trucks are driven to and from a work site and oftentimes are left on the site. When not in use, the cranes are parked within the fenced back yard until such time as a planned garage is built to store the cranes. Their son, an employee of the company, lives with them and drives one of the trucks.

The planning commission tabled this matter so more information could be collected. Since the last meeting, the Vogel's have completed fencing along the rear of the property and have talked with neighbors to see if there are concerns about having the cranes on the property. They focused on neighbors that live on 2100 N as their homes face the Vogel's rear yard and they drive by the yard daily. They were unable to find any neighbors who object to the cranes. (see attached) Mr. Vogel also shared with staff that each crane is 33 ft long and 8 ft wide or 264 sq. ft. His planned garage is 48 ft. by 56 ft for a total of 2688 sq. ft. The city's Home Occupation ordinance allows the use of up to 25% of a garage with a home occupation license. Based on the above information, the cranes will take up approximately 20% of space in the garage.

Outstanding issues:

1. Do the cranes affect the residential character and lifestyle of the property and the neighborhood?
2. Are the cranes 'work' trucks similar to other business vehicles homeowners may drive to and from work and park at their home, or are they business equipment stored on the property? If cranes are considered business equipment, the Commission can either decide a home occupation license is not appropriate or impose conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.

Staff has provided two possible decisions below.

Findings and Possible Conditions to **grant** the conditional use:

**A. Findings:**

1. The proposed use at this particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use, under the circumstances, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of WBMC § 17.60.040.D.

**B. Possible Conditions:**

1. The home occupation must meet the requirements of WBMC § 5.28.040 regarding home occupations, including any requirements specified in these conditions.
2. The home occupation will be limited to a home office in the dwelling. Use of any portion of a garage or accessory structure on the property for business purposes that exceeds 25% is prohibited (WBMC § 5.28.040.G)
3. Sufficient off-street parking will be provided for all vehicles used in the business and for the residence, and the number of business vehicles on the property will not exceed the number of employees residing in the home.
4. Outdoor storage related to the home occupation will not be permitted (WBMC § 5.28.040.I).
5. Any business vehicles or equipment over eight feet in height must be parked indoors; provided, that for a period of one year after issuance of this conditional use permit such vehicles or equipment may be parked outdoors as long as the following conditions are met:
  - a. Such vehicles or equipment are parked behind an opaque fence six feet in height and approved by city staff; and
  - b. Applicant provides and maintains landscaping to obscure such vehicles and maintain the residential character of the property in conformity with a landscape plan approved by city staff.
6. Applicant applies for, receives, and maintains a current Home Occupation Business License.

Findings **denying** the conditional use:

**Findings:**

1. The proposed use at this particular location is not necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community. A construction business involving the use of boom truck cranes is better suited to non-residential zones.
2. The proposed use, which includes outdoor parking of heavy construction equipment, would adversely affect the residential character and lifestyle of the property and the neighborhood. It could also unreasonably disturb the peace and quiet of the neighborhood by reason of sounds and vibrations. It

would therefore be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. The proposed use does not provide for appropriate buffering of uses and buildings, proper parking, the use of building materials and landscaping that are in harmony with the area and are compatible with adjoining uses.
4. The proposed commercial use does not comply with the regulations and conditions specified in the land use ordinance for such use.
5. The proposed use will not conform to the intent of the city's general plan. The general plan contemplates use of property in this designated residential area for residential, not commercial, purposes.
6. Conditions cannot be imposed in the conditional use permit that would mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of WBMC § 17.60.040.D.

June 18, 2020

For the Kinross Estates:

To whom it may concern, the following individuals do not object to the Vogel Crane Service, LLC using their (Michael Vogel and Pam Vogel, residents of Kinross Estates, 2122 N. 1000 W.) personal property to store work vehicles. Such as: 2 crane trucks.

1. Rebecca Lee  
2088 W. 1000 W.  
West Bountiful, UT 84087  

2. Blake Uffens  
987 W. 2100 N.  
west Bountiful UT 84087  

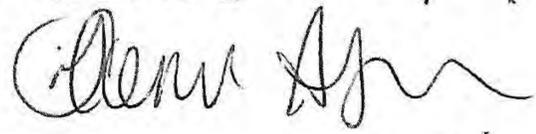
3. Mandee Cheney  
979 W. 2100 S  
West Bountiful, Utah 84087
4. Javaneah Nye  
965 W. 2100 S.  
West Bountiful, Utah 84087  

5. JAKE BARTHOLOMEW  
918 W 2100 N  
WEST BOUNTIFUL, UT 84084  

6. Alicia Hansen  
913 W. 2100 N.  
West Bountiful UT  
84087

7.   
JAKE HELGESEN  
927 W 2100 N

8.   
BLAKE TITMUS  
926 W 2100 N

⑨ Connie Alegria  
  
936 W 2100 N  
W. Beautiful DT.



## 5.28 HOME OCCUPATIONS

### 5.28.010 Definitions

"Home occupation" means any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by West Bountiful City.

### 5.28.040 Requirements

1. A person who is not a resident of the dwelling shall not be employed to work on the premises.
2. The home occupation must be clearly incidental and secondary to the use of the dwelling or structure in which it is located and may not change its purpose or character.
3. The home occupation shall not involve the use of any part of a dwelling or structure for which by reason of state, federal or local law or ordinances, special or extra entrances or exits or special rooms are required as a prerequisite condition to the operation of such use or for which said laws or ordinances require a license or permit, except as approved by the Planning Commission.
4. More than one Home Occupation Business License may be issued if the additional businesses will function as one business operation and if after review it is specifically determined that the total of all businesses will not have an impact on the community greater than one business.
5. The home occupation shall not involve the use of more than the equivalent of fifteen (15) percent of the main floor area of the dwelling, nor involve the installation of special equipment and/or fixtures, plumbing or electrical wiring for such special fixtures or equipment which are not ordinarily or customarily used in a dwelling, unless otherwise approved by the Planning Commission.
6. Inventory or supplies may not occupy more than fifty (50) percent of the permitted area.
7. The home occupation must be operated entirely within the approved dwelling, except that 25% of a garage or accessory building or structure on the same property as the dwelling may be used, so long as it does not change the residential character of the lot or would otherwise be contrary to the purpose of this chapter. Additional conditions may be imposed by the Planning Commission if the garage is to be used for:
  1. Storage of chemicals or tanks; or
  2. Storage of equipment or vehicles.
8. If a home occupation is authorized for a garage, off-street parking arrangements in compliance with this title must exist for any vehicles owned and/or operated by the applicant.
9. Yard space may not be used for home occupation activities, except:
  1. Outside private swimming pools may be used for swimming instruction if the swimming instruction is given by a bona fide resident of the dwelling.
  2. Yard space may be used for day care provided the yard is entirely fenced.
  3. Yard space may be used for other similar activities that will not alter the residential nature of the neighborhood in which the home occupation will be conducted. In no event shall outdoor storage be permitted in relationship to the Home Occupation Business License.
10. The home occupation must comply with all fire, building, plumbing, electrical and health codes and all federal, state and local laws.
11. The home occupation may not cause or create a demand from municipal or utility services or community services, including traffic, in excess of those usually and customarily provided for in residential uses. Home occupations which will generate additional traffic or parking in excess of those usual and customary residential uses require Planning Commission approval.
12. The home occupation may not be a nuisance or cause undue disturbance to the neighborhood.

13. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reasons of color, design, materials, construction, lighting, odors, sounds, noise or vibrations.
14. Merchandise, goods or customer services may not be advertised or otherwise visible from the exterior of the building in which the home occupation is operated.
15. Signs, advertising or displays of any kind may not be visible from the public streets or from the exterior boundaries of the property on which the home occupation is conducted.
16. The home occupation shall be operated in a manner that complies with any special conditions established by the Planning Commission and made part of the record in connection with the application for a conditional use permit, as the Planning Commission deems necessary to carry out the provisions and intent of this chapter and Chapter 17.60.
17. Home occupations requiring State or Federal licensing must be in compliance with all State and Federal regulations before a Home Occupation Business License will be issued.

# MEMORANDUM



**TO:** Planning Commission  
**DATE:** June 19, 2020  
**FROM:** Staff  
**RE:** Request from Jed Christensen for Hay Barn

---

Jed Christensen is seeking to erect a barn on his property at 1347 N 800 West. His letter is attached. A barn, or accessory structure, is a permitted use in the R-1-10 zone as is the storage of personal property in the structure. His proposal to store and sell hay raises some questions about whether a business is being conducted.

To aid in discussion, several cites from West Bountiful code have been provided below.

## **17.24.020 Permitted Uses**

The following uses are permitted in the R-1-10 residential district:

1. Agricultural;
2. Single Family Dwellings;
3. Farm animals;
4. Residential facility for persons with a disability; and
5. Home occupations.

## **5.04.010 Definitions – Business Licensing**

"**Business**" means all activities engaged in within the corporate limits of West Bountiful carried on for the purpose of gain or economic profit, except that employees rendering service to employers shall not be considered to be engaging in business unless otherwise specifically prescribed.

"**Engaging in business**" means the sale of tangible personal property or the rendering of personal services for others for a consideration by persons engaged in any trade, craft, business, occupation, profession or other calling, except the rendering of personal services by an employee to his or her employer under any contract of personal employment, but includes the operation of storage buildings or storage warehouses for the storing of motor vehicles, trailers, boats, and other household equipment or personal property.

## **5.04.020 License Required**

It is unlawful for any person to engage in or carry on any business within the city without first taking out or procuring a license to do so.

## **5.28.010 Definitions**

"**Home occupation**" means any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by West Bountiful City.

**From:** Jed Christensen  
**Sent:** Sunday, June 7, 2020 1:52 PM  
**To:** Duane Huffman >  
**Subject:** Hay Barn

Duane

This email is sent as a follow up to our previous conversation in regards to my desire to erect a barn on my property located at 1347 N 800 W in West Bountiful at the end of the cul-de-sac on 1320 north.

The purpose of the structure would be multi use and would include the following...the storage of a tractor, implements, buggies, RV, truck, several trailers and hay (primarily agricultural use although the hay would not be harvested off of my property). My interest in the hay storage is two fold. 1) hay for my personal horses and 2) sell and deliver hay to potential customers as a small side business. I want to emphasize this is not a full time job.

In speaking with you and inquiring about this possibility using the barn as an interim for storage, you informed me that the property location is not zoned for this type of activity. I'm requesting that you and the planning/zoning committee consider options to allow me to pursue this agricultural interest and find a way that this could be done. I desire to establish a good relationship with surrounding property owners and would therefore keep the property clean, maintained and the activity in and out of the property minimal. The majority of the hay I would sell would be delivered to livestock owners and already on my trailers with perhaps a small number of people picking up a few bales on site on occasion but on site pick up is seldom. There would be few if any deliveries to the site other than me bringing the hay to my barn myself with my personal truck and trailers. I would keep activity during times of the day that would not disturb adjoining property owners.

I have been a resident of the city since 1994 and even started a business here with my father in 1983-2017 that reflected, I feel, the core values and heritage of West Bountiful.

I would be sincerely appreciative if you would present this to the individuals responsible in making the decisions to allow me to pursue this agricultural interest within the city of West Bountiful. If I can provide further information or meet with the committee, please let me know.

Respectfully,

Jed Christensen  
801-205-0356

# MEMORANDUM



**TO:** Planning Commission

**MEETING DATE:** June 19, 2020

**FROM:** Cathy Brightwell

**RE:** Accessory Dwelling Unit – 941 W 1950 North

---

Mr. Davis has been issued a building permit to construct a new house in the Mountain View Estates subdivision. The house is designed to include an accessory dwelling unit (ADU) in the basement. A conditional use permit is required prior to using the potential apartment as an ADU. Staff recommended that Mr. Davis obtain the Conditional Use Permit for the ADU now for the simple reason that municipal and building codes change from time to time. It would be unfortunate if future changes to code prohibit the ADU or require structural changes for its approval.

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

- A. **Location.** An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-occupied single-family dwelling. *This condition is satisfied.*
- B. **Number of Accessory Dwelling Units.** A maximum of one (1) ADU shall be allowed within or attached to each single-family dwelling. No lot or parcel shall contain more than one ADU. *This condition is satisfied.*
- C. **Parking.** Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers. *This condition is satisfied.*
- D. **Utility Metering.** No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name. *This condition is satisfied.*
- E. **Size of Accessory Dwelling Unit.** An ADU shall contain a minimum of 300 square feet; provided, that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City. *This condition is satisfied.*
- F. **Construction Codes.** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit or other permits as the codes may require. *This condition will be satisfied as the house is constructed and inspected.*
- G. **Architecture.** An ADU that is added onto an existing single-family dwelling or a new single-family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. *This condition is satisfied.*

- H. **Owner Occupied.** The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as their principal residence. At no time shall both the ADU and the primary single-family dwelling be rented as separate units. *This condition can be satisfied.*

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

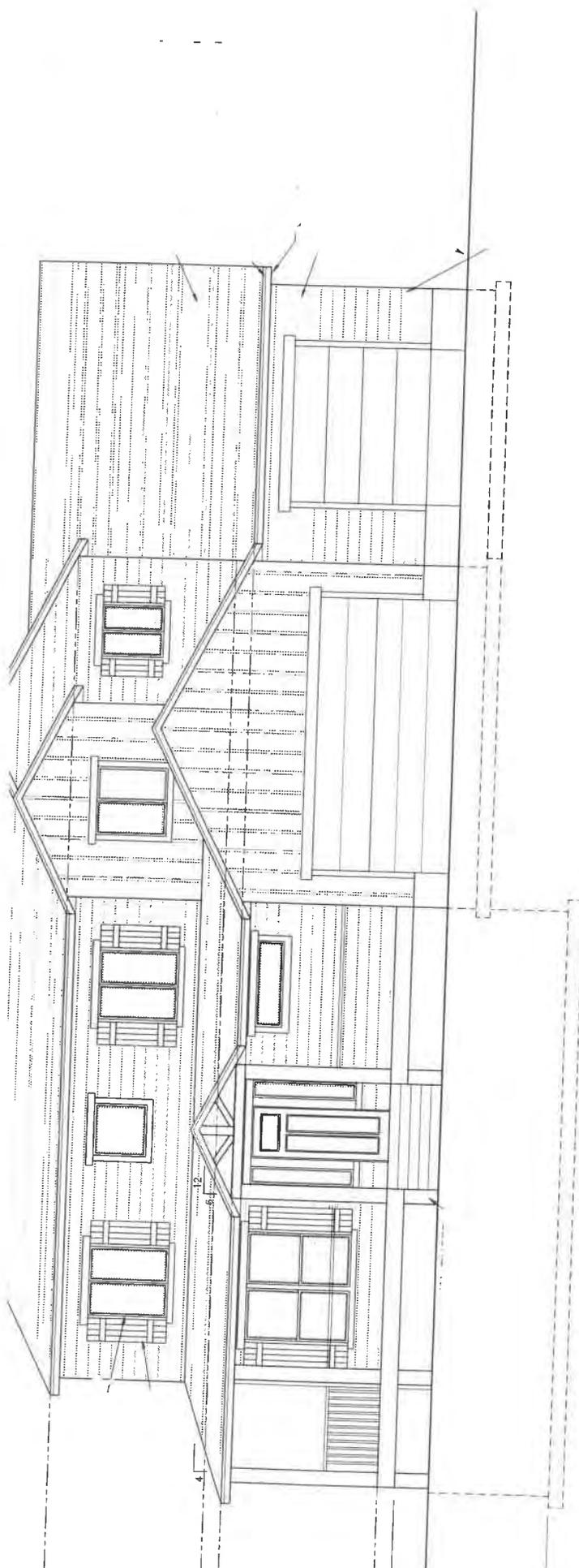
Staff recommends the following Findings of Fact and Conditions be applied to this conditional use permit.

Findings:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community.
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets.
4. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

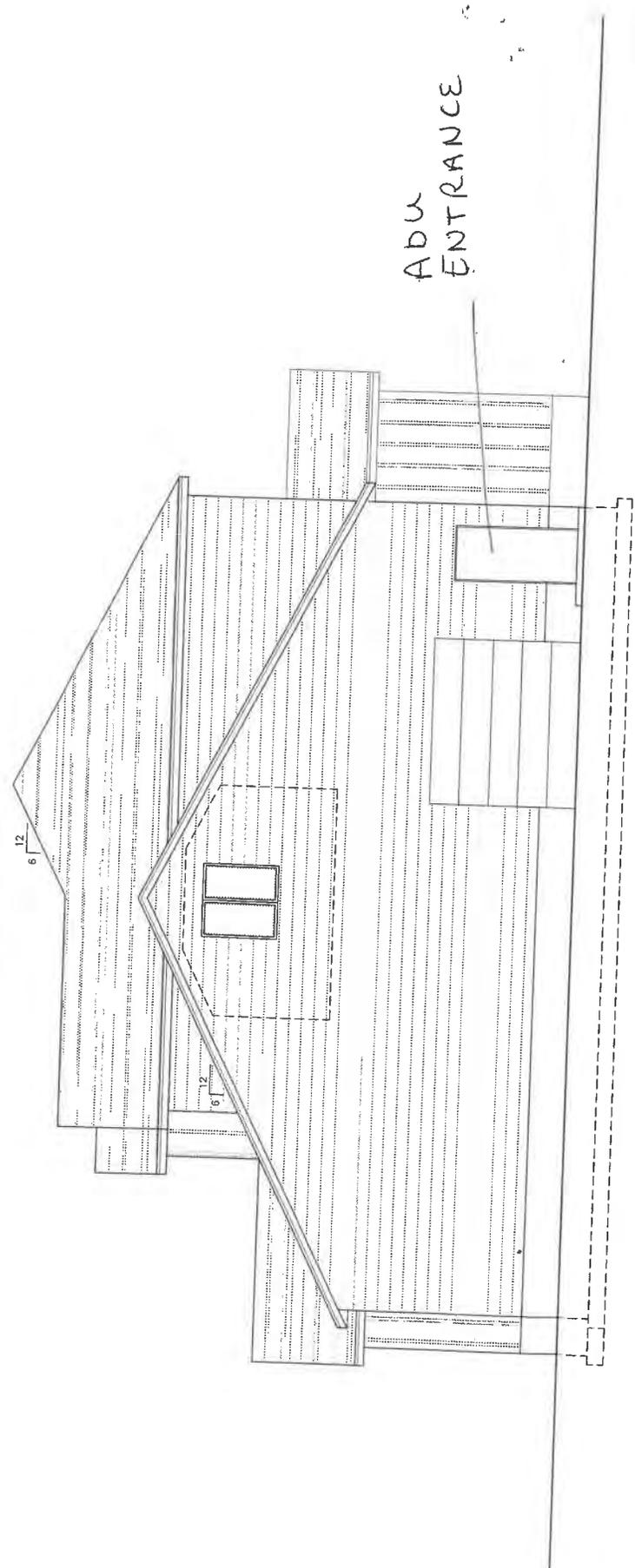
Conditions:

1. Applicant will construct the ADU in such a manner that WBMC 17.82.050 and the International Residential Building Code requirements for a second dwelling unit are satisfied.
2. Language will be included in any rental or lease agreement for the ADU that the lease will terminate upon sale of the property.
3. This Permit is not transferable – If at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the Permit shall be revoked pursuant to WBMC 17.60.080.
4. The applicant will execute the Conditional Use permit and ADU agreement which will be recorded in the County Recorder's office.



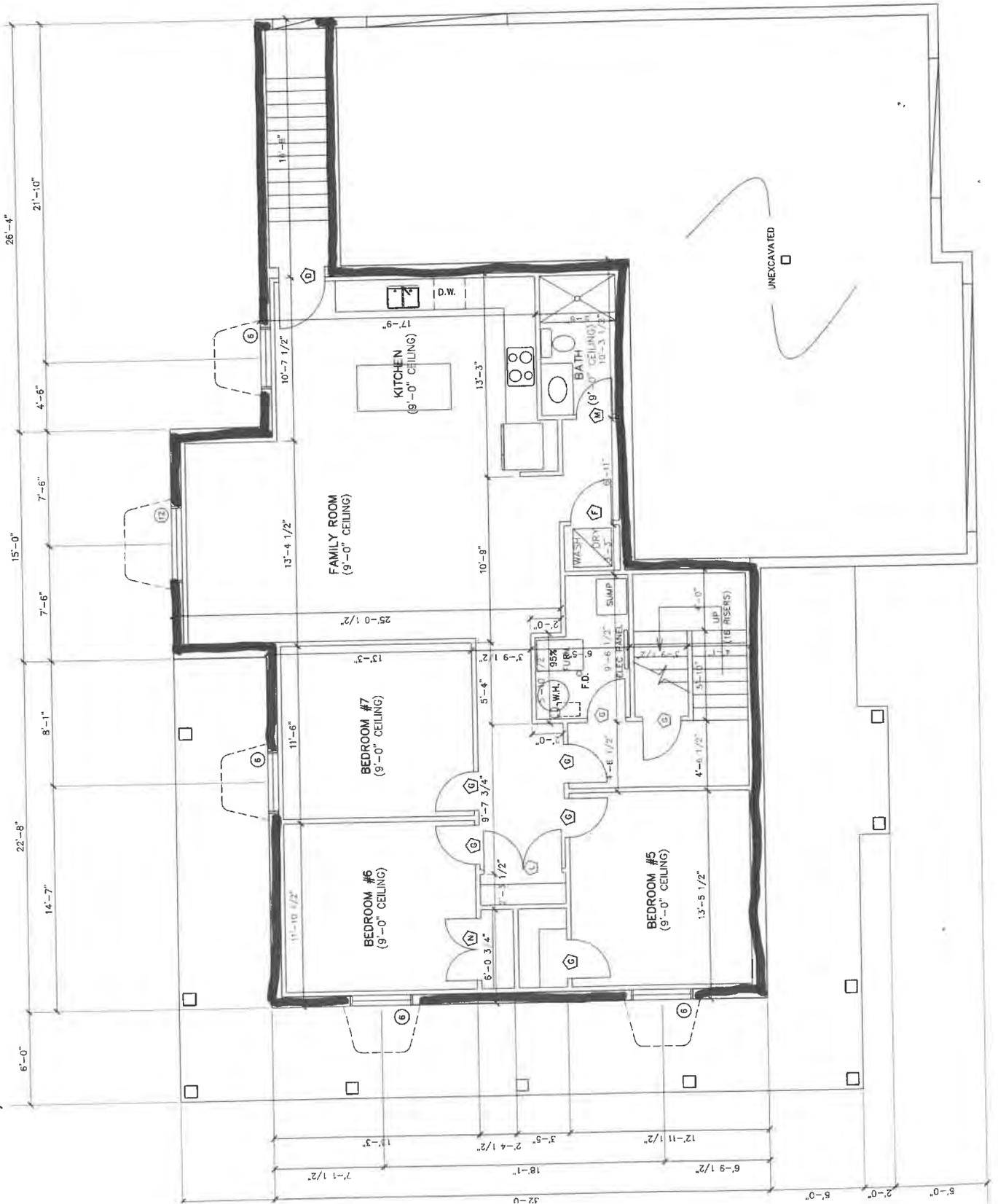
DAVIS

FRONT ELEVATION  
SCALE 1/4" = 1'-0"



ADU  
ENTRANCE

# Basement ADU



# MEMORANDUM



**TO:** Planning Commission

**MEETING DATE:** June 19, 2020

**FROM:** Cathy Brightwell

**RE:** Accessory Dwelling Unit – 730 N 800 West

---

Mr. Savage has been issued a building permit for a garage remodel attached to his existing home that is intended to be used as separate living quarters for family members. A conditional use permit is required prior to using the potential apartment as an ADU.

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

- A. **Location.** An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-occupied single-family dwelling. *This condition is satisfied.*
- B. **Number of Accessory Dwelling Units.** A maximum of one (1) ADU shall be allowed within or attached to each single-family dwelling. No lot or parcel shall contain more than one ADU. *This condition is satisfied.*
- C. **Parking.** Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers. *This condition is satisfied.*
- D. **Utility Metering.** No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name. *This condition can be satisfied.*
- E. **Size of Accessory Dwelling Unit.** An ADU shall contain a minimum of 300 square feet; provided, that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City. *This condition is satisfied.*
- F. **Construction Codes.** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit or other permits as the codes may require. *This condition will be satisfied as the house is constructed and inspected.*
- G. **Architecture.** An ADU that is added onto an existing single-family dwelling or a new single-family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. *This condition is satisfied.*
- H. **Owner Occupied.** The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as their principal residence. At no time shall both the ADU and the primary single-family dwelling be rented as separate units. *This condition can be satisfied.*

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

Staff recommends the following Findings of Fact and Conditions be applied to this conditional use permit.

Findings:

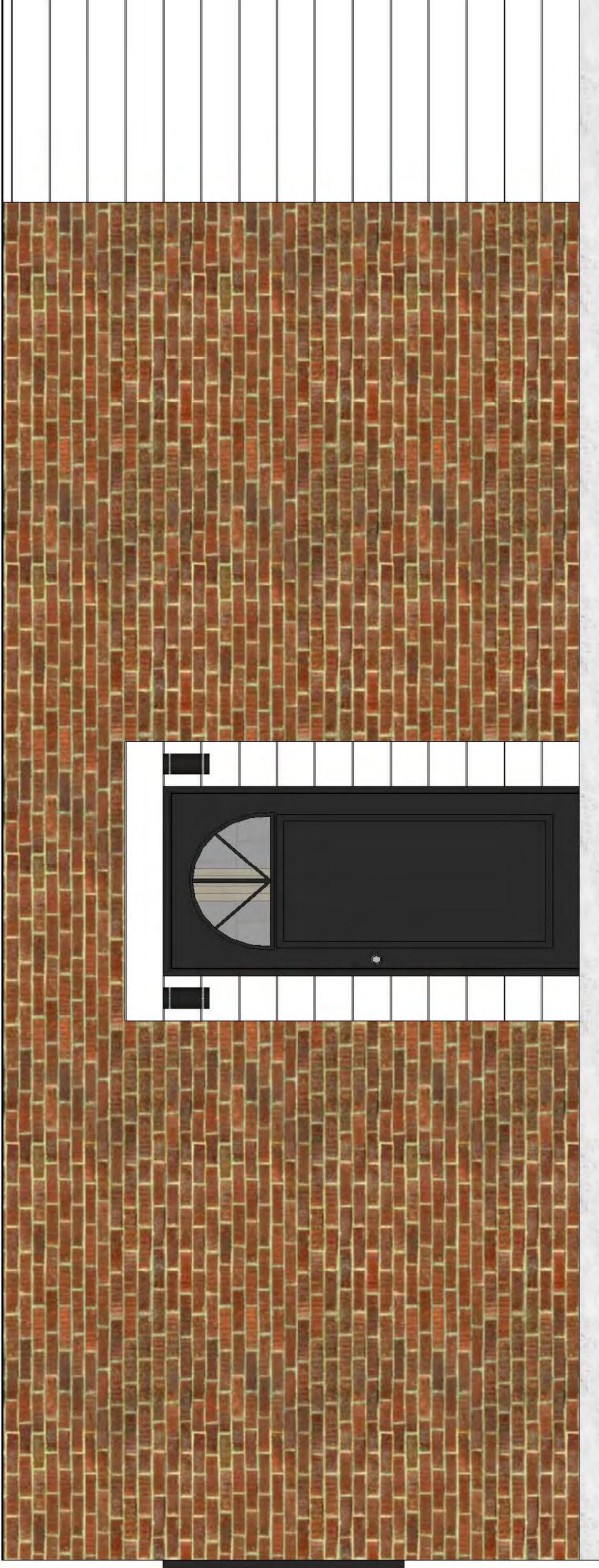
1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Conditions:

1. Applicant will construct the addition in such a manner that WBMC 17.82.050 and the International Residential Building Code requirements for a second dwelling unit are satisfied.
2. Language will be included in any rental or lease agreement for the ADU that the lease will terminate upon sale of the property.
3. This Permit is not transferable – If at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the Permit shall be revoked pursuant to WBMC 17.60.080.
4. The applicant will execute the Conditional Use permit and ADU agreement which will be recorded in the County Recorder's office.







# MEMORANDUM



**TO:** Planning Commission

**DATE:** June 19, 2020

**FROM:** Staff

**RE:** Ashby Acres Subdivision – Final Plat

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James and Shelly Bruhn have applied for an 8-lot subdivision on the northeast corner of 1100 West and Pages Lane. The property is within the R-1-22 zone and consists of 4.62 acres. The eight lots meet the required R-1-22 zoning requirements for size and frontage. Will-serve letters have been received from the major utility companies.

The city engineer has reviewed the final plat submittal. He recommends addressing the items listed below as conditions for approval. Otherwise, the only updates to the plat and construction documents are several minor clarifications that have been provided to Mr. Bruhn for incorporation. Staff recommends approval of the final plat by planning commission.

Engineer's Opinion regarding Sheet C800 – Drainage:

The proposed on-site storm drain and catch basins are adequate for the subdivision since the final development of the lots is only speculative. Additional catch basins will most likely be necessary when homes are constructed. If that turns out to be the case, then the storm drain in the rear of lot 4 can be extended by the property owners farther east.

## **Conditions:**

### Plat

- Add Public Utility Easement & drainage for storm drain pipe of lot 7 & lot 8.
- Add note 7: Driveway design for lot 7 must demonstrate compliance with the Fire Code and Geotech study on file with the city.

### Sheet C400 – Site & Grading Plan

- Move sewer service at station 3+80 to be a common/single pavement cut with the irrigation service.

## **Possible Motion:**

Positive recommendation to city council for approval of the Ashby Acres final plat with the following conditions:

- Make changes listed above as conditions to approval.
- Obtain final design approval from Weber Basin and South Davis Sewer (request has been sent)
- Payment of storm drain impact fees (for 6 lots), and reimbursable costs from Pages Lane project.







# BRUHN SUBDIVISION

LOCATED IN THE SOUTH WEST QUARTER OF SECTION 13,  
TOWNSHIP 2 NORTH, RANGE 1 WEST, S.L.B.&M.  
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH  
FINAL PLAT, APRIL 2020

# SURVEYOR'S CERTIFICATE

J. JEREMIAH R. CUNNINGHAM, A PROFESSIONAL LAND SURVEYOR HOLDING CERTIFICATE NO. 9182497 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS BRUHN SUBDIVISION AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN.

JEREMIAH R. CUNNINGHAM, P.L.S., UT #9182497

# BOUNDARY DESCRIPTION

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH AND RUNNING THENCE NORTH 89°59'21" EAST 528.14 FEET ALONG THE WESTERLY QUARTER SECTION LINE SAID SECTION 13; THENCE SOUTH 00°59'06" EAST 283.07 FEET TO THE NORTH RIGHT OF WAY LINE OF PAGES LANE; THENCE SOUTH 89°55'40" WEST 742.67 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO A POINT OF CURVATURE WITH A 11.88 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 18.56 FEET (CENTRAL ANGLE = 089°32'10" CHORD BEARING AND DISTANCE = NORTH 45°18'15" WEST 16.73 FEET) TO THE EAST RIGHT OF WAY LINE OF 11.00 WEST STREET; THENCE NORTH 00°32'10" WEST 135.89 FEET ALONG SAID EAST RIGHT OF WAY TO A POINT OF CURVATURE WITH A 137.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 64.97 FEET (CENTRAL ANGLE = 022°59'15" CHORD BEARING AND DISTANCE = NORTH 10°52'49" EAST 54.60 FEET); THENCE NORTH 22°17'47" 88.54 FEET ALONG SAID EAST RIGHT OF WAY LINE TO THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE NORTH 89°47'11" EAST 178.93 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING. CONTAINING 4.618 ACRES

# OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO PRIVATE LOTS, HEREAFTER TO BE KNOWN AS BRUHN SUBDIVISION, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND AND PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREET, PARCELS, AND PUBLIC UTILITY EASEMENTS WHICH WILL INTERFERE WITH DEDICATED PUBLIC USE.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

JAMES DELL BRUHN, TRUSTEE  
THE JAMES DELL BRUHN AND SHELLEY OLSEN  
BRUHN LIVING TRUST, DATED JUNE 27, 1994

SHELLEY OLSEN BRUHN, TRUSTEE  
THE JAMES DELL BRUHN AND SHELLEY OLSEN  
BRUHN LIVING TRUST, DATED JUNE 27, 1994

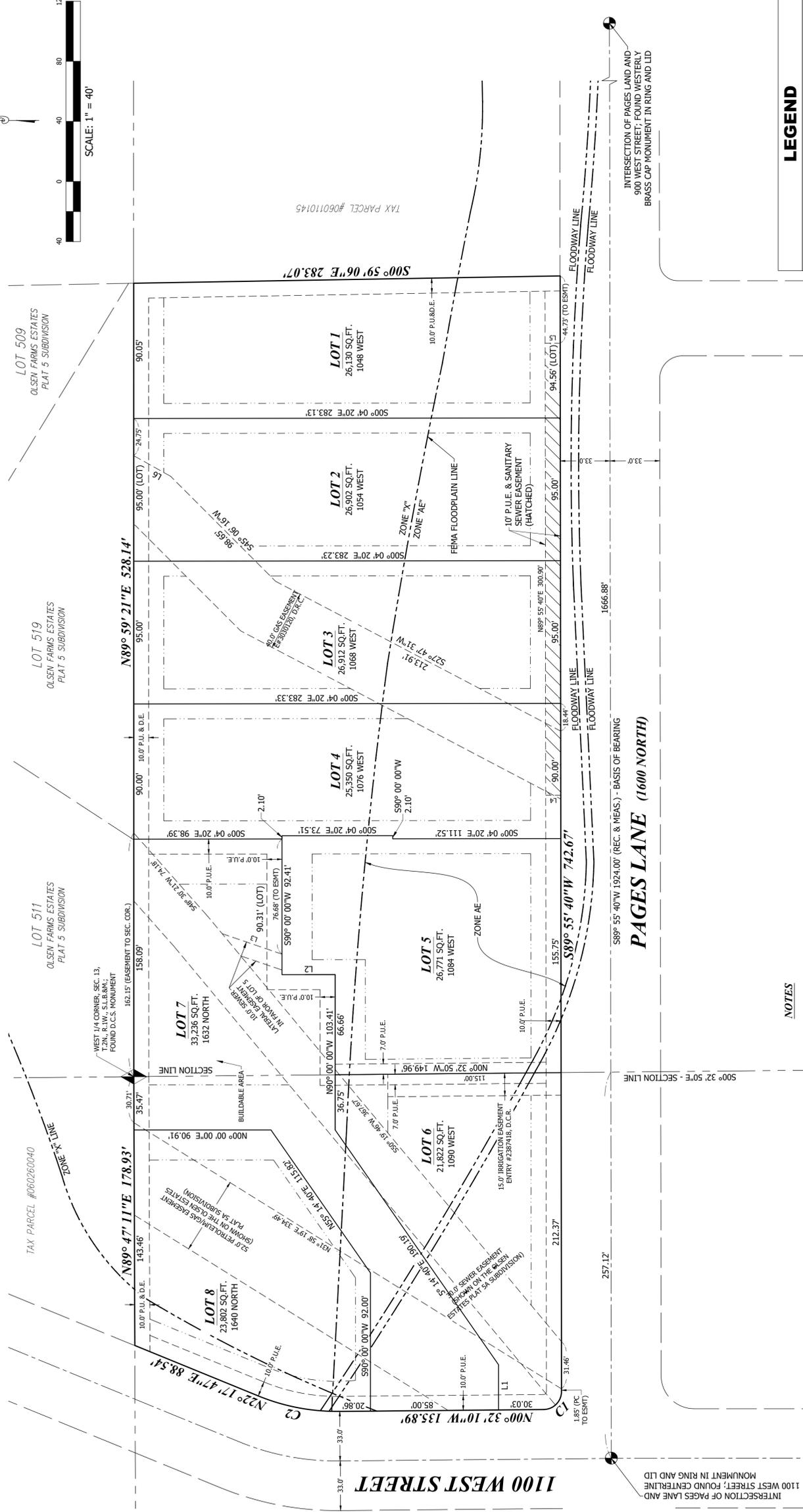
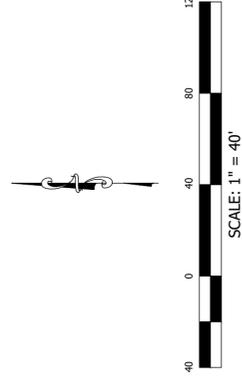
# TRUST ACKNOWLEDGMENT

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ THERE PERSONALLY APPEARED BEFORE ME, JAMES DELL BRUHN AND SHELLEY OLSEN BRUHN, TRUSTEES OF THE JAMES DELL BRUHN AND SHELLEY OLSEN BRUHN LIVING TRUST, DATED JUNE 27, 1994, WHO BEING DULY SWORN, DID SAY THAT THEY ARE TRUSTEES OF SAID TRUST AND THAT THE FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID TRUST AND THAT IT IS WITHIN THE TRUSTEES AUTHORITY TO EXECUTE THE SAME.

NOTARY PUBLIC: \_\_\_\_\_

RESIDENCE: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_



# NOTES

- PUBLIC UTILITY EASEMENTS (P.U.E.) ARE 10.0 FEET AT THE FRONT AND REAR OF LOTS AND 10.0 FEET ON THE SIDES OF LOTS, AS SHOWN.
- A 10.0-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U. & D.E.) ALONG THE NORTH SIDE AND EAST LINE OF THIS SUBDIVISION SHALL BE USED TO GATHER RUNOFF AND TO STORE IT OR DIRECT IT TO A PUBLIC RIGHT OF WAY OR STORM DRAIN SYSTEM. DRAINAGE IMPROVEMENTS SHALL RESTRICT DRAIN WATER FROM FLOWING ONTO NEIGHBORING PROPERTIES.
- DUE TO HIGH GROUNDWATER IN THE AREA, THE LOWEST FLOOR ELEVATIONS OF NEW STRUCTURES MUST BE SET AT LEAST 12 INCHES HIGHER THAN THE HIGHEST CURB LINE ELEVATION ALONG THE FRONTAGE OF EACH LOT.
- THE FRONTAGE OF LOT 7 IS ALONG 1100 WEST STREET AND REAR LOT LINE IS THE EAST LINE OF LOT 7 THAT IS COMMON TO LOT 4.
- THE DRIVEWAY TO LOT 7 MUST BE BUILT TO PROVIDE AN APPROVED FIRE ACCESS ROAD TO THE REAR OF SAID LOT AND CONFORM TO THE APPLICABLE FIRE CODE, INCLUDING AN APPROVED FIRE ACCESS ROAD TURNAROUND, AND THE SOILS REPORT ON FILE WITH CITY.
- PARKING ALONG THE DRIVEWAY OF LOT 7 IS PROHIBITED AS TO PROVIDED UNRESTRICTED FIRE ACCESS.

# CURVE TABLE

CURVE	LENGTH	RADIUS	Δ	CH BEARING	CH LENGTH
C1	18.56'	11.88'	089°32'10"	N 45°18'15" W	16.73'
C2	54.97'	137.00'	022°59'15"	N 10°52'49" E	54.60'
C3	43.98'	28.00'	090°00'00"	N 45°00'00" W	39.60'
C4	43.98'	28.00'	090°00'00"	S 45°00'00" W	39.60'
C5	29.12'	48.00'	034°45'20"	S 72°37'20" W	28.67'
C6	16.98'	28.00'	034°45'20"	N 72°37'20" E	16.73'

# LINE TABLE

LINE	BEARING	LENGTH
L1	N 90°00'00" W	30.10'
L2	S 00°03'16" E	35.28'
L3	N 18°55'17" E	41.99'
L4	N 00°04'20" W	10.00'
L5	S 00°04'20" E	10.00'
L6	N 29°12'35" E	28.10'

# LEGEND

- SUBDIVISION LINE
- LOT LINE
- ADJACENT PROPERTY
- PUBLIC UTILITY EASEMENT
- ROAD CENTERLINE
- SECTION LINE
- TIE TO MONUMENT
- SET 5/8" X 24" REBAR WITH H&A ENTELLUS CAP, LS #166385, AT CORNER (UNLESS OTHERWISE NOTED)
- FOUND LOT CORNER MARKER (AS NOTED)

# CITY ENGINEER

RECOMMENDED FOR APPROVAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY.

CHAIRMAN \_\_\_\_\_ WEST BOUNTIFUL CITY ENGINEER \_\_\_\_\_

# PLANNING COMMISSION

RECOMMENDED FOR APPROVAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY.

CHAIRMAN \_\_\_\_\_ WEST BOUNTIFUL CITY ATTORNEY \_\_\_\_\_

# CITY ATTORNEY

RECOMMENDED FOR APPROVAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY.

CHAIRMAN \_\_\_\_\_ WEST BOUNTIFUL CITY ATTORNEY \_\_\_\_\_

# WEST BOUNTIFUL CITY COUNCIL

PRESENTED TO THE CITY COUNCIL OF WEST BOUNTIFUL CITY, UTAH, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

WHICH TIME THIS PROJECT WAS APPROVED AND ACCEPTED.

CITY RECORDER ATTEST: \_\_\_\_\_

MAYOR: \_\_\_\_\_

# DAVIS COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_

FILED FOR RECORD AND RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF \_\_\_\_\_

COUNTY RECORDER: \_\_\_\_\_

BY: \_\_\_\_\_ DEPUTY \_\_\_\_\_

1470 South 600 West  
Woods Cross, UT 84010  
Phone 801.298.2236  
www.Entellus.com

PROJECT #1686003  
04/20/2020 JH  
05/23/2020 JRC

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

June 9, 2020

3 **PENDING – NOT APPROVED**

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

6  
7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 9, 2020 at  
8 West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

10 **Due to the Coronavirus Pandemic participation in this meeting was held through a combination of in-**  
11 **person and Zoom.**

12 **MEMBERS ATTENDING:** Chairman Denis Hopkinson, Vice Chairman Alan Malan – in person; Corey Sweat,  
13 Mike Cottle, Laura Charchenko, Dee Vest – via Zoom.

14 **MEMBERS EXCUSED:** Kelly Enquist (City Councilmember)

15 **STAFF ATTENDING:** Duane Huffman (City Administrator)- in person; Steve Doxey (city attorney), Cathy  
16 Brightwell (Recorder) and Debbie McKean (Secretary) – via Zoom.

17 **VISITORS:** In House were: Mike McCabe and Trent Williams (Woodhaven), Ryan Call, Bruce Baird, and  
18 Dino Pasqua (Representing Cannabis), DJ Schanz, Michael and Pam Vogel, and Gary Jacketta. Attending  
19 via Zoom: Alex Iorg, Stephen Heron, Richard Maloney, Chris Jeffrey.

20  
21 The Planning Commission meeting was called to order at 7:33 pm by Chairman Denis Hopkinson. Mike  
22 Cottle offered a prayer. Chairman Hopkinson expressed condolences to council member Kelly Enquist and  
23 family in their recent loss of wife and mother, Norma.

24 **1. Accept Agenda**

25 Chairman Hopkinson reviewed and discussed the agenda. Mike Cottle moved to approve the  
26 agenda as presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among all  
27 members present.

28 **2. Consider Conditional Use Application for Michael and Pam Vogel for a Home Occupation**  
29 **business at 2122 N 1000 W.**

30  
31 Commission packets included a memorandum dated June 5, 2020 from Cathy Brightwell  
32 regarding a Conditional Use Application for Michael and Pam Vogel for a Home Occupation business at  
33 2122 N 1000 W with an attached copy of application and site plan.

34  
35 Cathy Brightwell explained that Michael and Pam Vogel have filed an application to have a home office in  
36 their house. They live on a half-acre lot in Kinross Estates that backs up to an empty field. They own a  
37 Crane service company that builds homes. The Vogel's own two crane trucks that they park at their home  
38 when not in use. When needed, the trucks are driven to and from a work site and oftentimes are left on  
39 the site. Their son, an employee of the company, lives with them and operates one of the trucks. These

40 'work' trucks are like other business vehicles property owners may drive to and from work and park at  
41 their homes.

42

43 Ms. Brightwell said that over the past year we have received several calls from neighbors wondering  
44 about the construction trucks on the property and asking if a business was being conducted there. Since  
45 that time, a fence has been installed on the side of their property and they plan to build a large garage  
46 soon. Once, complete, the trucks will be parked out of site in the garage.

47

48 As part of the home occupation licensing process, seven neighbors were contacted about the home  
49 business and none have raised any concerns. While not required, a conditional use permit, if issued, will  
50 provide documentation to the city and the homeowner that certain conditions must be met regarding  
51 business trucks and limitations of the business.

52

53 Duane Huffman referred to information contained in city code regarding business vehicles on residential  
54 property. He is concerned that business equipment such as cranes can change the residential nature of  
55 the neighborhood. He also cited a section of code that limits use of a garage to 25% when associated with  
56 a home occupation business. Given the size of the cranes it is likely that they will exceed the limit.

57

58 Mr. Huffman continued to discuss potential violations and reminded Commissioners that they are setting  
59 a precedent in whatever decisions they make regarding this issue.

60

61 The question was posed as to what the differences are between equipment and business vehicles, and  
62 between a shop and a garage. Chairman Hopkinson commented that if you drive a vehicle back and forth  
63 to work it would be considered a vehicle. He added that size and height differentiate a garage and shop  
64 or accessory building. Duane Huffman stated that he does not believe shops are allowed in a residential  
65 zone. There were other comments that city code does not define either one, but instead defines  
66 accessory structures which are allowed throughout the city.

67

#### 68 **Commissioner Comments:**

69

70 **Mike Cottle** does not think the cranes should be considered business equipment but considers them as  
71 business vehicles driven to and from work. He prefers they not be parked on the street.

72

73 **Dee Vest** stated that he feels if it is street worthy it is a vehicle. If it is not, then it is equipment.

74

75 **Alan Malan** does not believe the cranes should be considered business equipment, but he is concerned  
76 about damage to the curb and sidewalk from the heavy vehicles driving over them and suggested  
77 inspections be done by the city.

78

79 **Corey Sweat** believes the cranes are business equipment and if parked in the yard would be considered  
80 outside storage which is not allowed. He stated if the cranes are housed inside the shop there will be no  
81 conflict to the ordinance as they are no longer outside. He does not think the storage of their vehicles in  
82 the garage has anything to do with the 25% usage limitation.

83

84 Michael Vogel was invited to take the stand. He stated that the main reason they bought the property  
85 was so they could build a shop to house the two pieces of equipment they use to run their business which  
86 developer, Hamlet Homes, assured them would not be a problem. He added that all sidewalk and broken  
87 concrete will be replaced after the shop is finished and up to spec.

88

89 **Chairman Hopkinson** noted we do not want to set a precedent of having heavy equipment stored in  
90 residential zones but does not object to parking them in the garage. He asked the Vogel's about the  
91 neighbors' input. Mr. Vogel stated that their business has helped build 80% of the homes there and his  
92 neighbors are supportive of him. It is very important for him to not make things look bad for the area. He  
93 added that much of the time the cranes are left on the job site and not on his residential property. During  
94 those times, his wife picks him up from the job sites.

95  
96 Regarding broken concrete, Cathy Brightwell noted that Mr. Vogel will be required to pay a bond when  
97 the garage is built to cover any damage to curb and sidewalks and such will be repaired or covered by the  
98 bond.

99  
100 Duane Huffman stated that the crane is part of a business and he posed several questions for the  
101 Commissioners to ponder. He reiterated his understanding of the ordinance in regard to the 25%  
102 calculation. If the commission considers approving this request, it may be beneficial to take a look at the  
103 home occupation ordinance to see if changes might be appropriate for the future.

104  
105 Mr. Doxey pointed out some principles of the Home Occupation Ordinance. He noted first that the  
106 business must be clearly incidental and secondary to the residence and cannot change the residential  
107 character of the residential zone. Garage and yard requirements up to the 25% of the accessory building  
108 can be used as long as it does not change the character of the residential zone. He pointed out that the  
109 code allows additional conditions for storage for equipment, if desired.

110  
111 There was discussion about possible conditions such as parking, time of day the vehicles can operate, etc.  
112 Commissioner Sweat suggested the conditions be that the equipment cannot be stored outside of the  
113 accessory building. Commissioner Charchenko is concerned that restricting the time he can leave his  
114 property with the equipment could negatively impact his business.

115  
116 Gary Jacketta asked what the tonnage of the cranes were. Mr. Vogel responded that it is approximately  
117 40,000 lbs. and it was noted that the length of stick can extend to 100 feet in the air.

118  
119 Chairman Hopkinson feels we need a little more information before deciding on this permit. He called for  
120 a motion to table this matter until staff can collect more information and commissioners can further study  
121 the issue.

122  
123 **Action Taken:**

124  
125 ***Corey Sweat moved to table the Conditional Use Application for Michael and Pam Vogel for a Home***  
126 ***Occupation business to have Staff do some more research on the issue. Mike Cottle seconded the***  
127 ***motion which passed with a 4-1 vote in favor. Voting against the motion was Alan Malan. Motion***  
128 ***passed 4 to 1 favoring vote.***

129  
130 **3. Discuss Concept Plan for Woodhaven Expansion.**

131 Commissioner packets included a memorandum dated June 5, 2020 from Duane Huffman and  
132 Cathy Brightwell regarding a proposal to expand the Woodhaven Mobile Home park.

133 Duane Huffman described a presentation made to city council last week regarding expanding and  
134 upgrading the Park. The new owners are proposing two options. Their preferred option is to increase the  
135 number of lots from 44 to 52 by adding lots in the vacant area next to 500 South. The second option  
136 increases spaces to 48 and includes a 7000 sq. ft. flex space building on 500 South. Both proposals include

137 adding a new playground, fenced storage for residents, solid fencing along the I-15 exit for screening and  
138 privacy and relocating the mailbox to a more central location.

139

140 This property and proposed expansion is complicated by at least the following factors:

141 1. The property is currently divided by two zones (Commercial General and Light Industrial).

142 2. The current use of a mobile home park is a non-conforming use in both zones.

143 3. Woodhaven pre-dates the city's current code on mobile home parks.

144 4. The city's current code on mobile home parks is outdated.

145 5. The property is in relatively proximity to the HollyFrontier refinery.

146 6. The property's sole access from 500 S is less than optimal.

147

148 Mr. Huffman said the city council was supportive of the request to maximize the use of the property and  
149 asked planning commission to work with the developers and staff to prepare proposals to deal with the  
150 issues described above. The existing Mobile Home Park ordinance needs to be updated and zoning  
151 amended so that the mobile home park is in one zone. He noted that the current General Plan identifies  
152 500 South as an area where higher density housing options may make sense.

153

154 Discussion followed.

155 **Chairman Hopkinson** noted the complexity of the property and the importance of creating a quality  
156 development.

157 **Corey Sweat** and **Mike Cottle** support cleaning up the area and making changes to the ordinance that will  
158 allow them to maximize the use of the property.

159 **Laura Charchenko** is concerned about having a mobile home park in a commercial or industrial area and  
160 supports putting it in a zone by itself unique to mobile homes.

161 **Dee Vest** was supportive of the idea to create a new zone for the mobile home park.

162 **Alan Malan** is supportive and would like a development agreement with the owners.

163 Trent Williams and Mike McCabe were present to represent Woodhaven. Mr. McCabe described their  
164 plans for improving the Park and the experience they have with upgrading similar parks around the  
165 county including Winchester Estates in Murray. They offered to help with drafting an ordinance as they  
166 have experience in this area.

167 Commissioner Sweat asked if there might be any push back from Holly Refinery or existing businesses in  
168 the area by creating a new zone. Duane Huffman stated that all those things will be explored as we move  
169 through this process.

170 There was discussion about potential lot rent increases as a result of the expansion and upgrades that  
171 may force some tenants to leave. Mr. McCabe said he is not familiar with the increased costs associated  
172 with the changes but in his experience, most tenants appreciate and enjoy the changes.

173 Duane Huffman said that due to staff's limited staffing, it would be helpful for the Commission to review  
174 the current ordinance that was included in their packet to see if they had any concerns or proposals on  
175 what to change. The developer can begin working on a development agreement to include things like set-  
176 backs, amenities, maintenance, and access to 500 South.

177

178 **4. Discuss Petition for Land Use Decision for Proposed Cannabis Production Establishment and**  
179 **Medical Cannabis Pharmacy.**  
180

181 Commissioner packets included a memorandum from Duane Huffman dated June 5, 2020  
182 regarding a Petition from Wholesome Co. for Land Use Code Text Change for Cannabis Production  
183 Establishment and Medical Cannabis Pharmacy. The responses from Wholesome Therapy to questions  
184 from city council, planning commission, and staff have been provided for your review. Mr. Huffman  
185 noted that they have refiled their initial petition and are here tonight to answer any questions  
186 commissioners may have. The 45-day deadline is in place again; a public hearing will be held at the next  
187 meeting and a decision by city council is due by July 18.

188 Duane Huffman suggested the Commissioners consider, as the City Council has, if the use of the building  
189 is a good fit for this type of business and how it fits into the Commercial Zone. Contacts have been made  
190 with surrounding businesses, but no response received as of yet.  
191

192 Bruce Baird provided additional information. He invited commissioners to ask questions from their  
193 review of the documents. He clarified that this is medical marijuana only and noted that except for the  
194 pharmacy, the public will not be aware of anything else going on in the building. The production and  
195 growth of the product will be invisible to the public. He pointed out that the building and parking area is  
196 not good for most retail uses, and he feels the cultivation and pharmacy is a great fit for the building. He  
197 does not see traffic issues as a concern.  
198

199 Dino Pasco, the owner of the building, stated that he met with John Thackery Jr. and discussed their plans.  
200 He assured them there would not be an issue with odors from the facility. When he left the meeting, they  
201 stated that they want to get input from their tenants, but at this point he has not heard back from them.  
202

203 **Commissioner's Comments:**  
204

205 **Alan Malan** referred to the state inspections which will take place twice a month and requested that  
206 reports be shared with the City. He noted that the development agreement includes language about  
207 violations and he hopes they do not intend on making violations. Mr. Baird explained that there is no  
208 intent to violate but wants to cover the issue for both the city and company so there is a process and  
209 remedies in place if problems come up in the future.  
210

211 **Mike Cottle** referred to an email he received on May 26<sup>th</sup> from Cynthia Coby of Thackery Company to the  
212 planning commission. Several commissioners had not received it so he will forward to staff and  
213 commission. He read the letter for the record. It stated that a large production facility of this type in such  
214 close proximity could be injurious to the existing shopping center. The email referred to reports from  
215 other locations, like Colorado, that show a decline in the number and types of retail operations that will  
216 locate in the area of a cannabis-based enterprise. There is concern that certain tenants may be opposed  
217 and it may be a factor in decisions to continue their tenancy beyond current terms.  
218

219 **Corey Sweat** stated that the city has no control over the location of the pharmacy and production of the  
220 product must be located somewhere. He is concerned with traffic bringing product in and out if it is  
221 located somewhere else. He noted that if it is not allowed at this site, we may still have to accommodate  
222 production in the A-1 Zone. He believes the Carr building is a good fit but is concerned about the impact  
223 to surrounding businesses. He suggested that information on inspections be given to surrounding  
224 businesses. He would also like to know more about the letter from Thackeray Company and if it is just an  
225 opinion or fact as there may be differences between cannabis facilities in Utah and Colorado.  
226

227 **Laura Charchenko** is also concerned with the letter and wondered what their specific problem is - is it the  
228 pharmacy or production? She said she has talked to some residents and they would rather not have it at  
229 all, but if we have to accommodate them, they prefer having the production in the Carr building and not  
230 in the A-1 zone. She is open to all considerations presented and can see pros and cons for all options put  
231 before them.

232

233 **Dee Vest** is concerned with the potential for odor issues.

234

235 **Chairman Hopkinson** stated that all of us need to be receiving the same information in order to make  
236 decisions. Changes in use that would cause negative effects to the property deserves serious thought and  
237 discussion. It is important that all businesses are contacted before making the decision. He stressed that  
238 it is imperative that we carefully decide if this is a good fit in the area and if the current tenants will accept  
239 them as part of the community of the Commons shopping center.

240

241 Mr. Baird noted that the email referred to this evening, predated the packet that included a lot more  
242 detail regarding how the production is handled and the safeguards that are in place. He said they will  
243 forward the new information to Thackeray. He described Colorado cannabis facilities that are recreational  
244 and as such they do not try to control or disguise the appearance of the building or control odors of their  
245 production. He committed that this will not be the case here. He guarantees there will be no odors  
246 disseminating from the building and assures that there will not be anything detectable outwardly of what  
247 type of business it is.

248

249 **Chairman Hopkinson** is concerned with the waste after processing. He noted that waste byproduct in  
250 other areas have been known to ferment and produce a stench. We will want to see how the waste is  
251 processed and removed as part of their contractual agreement. Chairman Hopkinson is very interested in  
252 hearing specifically from Costco and Lowe's. He reiterated we cannot in any way harm the other  
253 businesses in the area and suggested there are other options available.

254

255 **Alan Malan** asked if there is any intent to sell wholesale to other suppliers. They said at the current time,  
256 they plan to only grow enough for themselves and are not anticipating extra product to wholesale. They  
257 will only produce 200 lbs. of product at a time in that facility which is not a huge amount of product.

258

259 Ryan Call, representing the Utah Cannabis Assn, described the Cannabis industry in Utah. Production and  
260 processing is different for strictly medical uses then it is for recreational uses. He said they have the buy-in  
261 of the Governor, the LDS Church, and Utah Medical Association. He noted that they have worked hard to  
262 make sure the business, including the name, fits in with Utah values and communities. They work closely  
263 with their members and the State for transparency and high standards. They want everyone to  
264 understand this business/industry and feel comfortable with it in their community. He invited members  
265 of the planning commission, city council, and staff to tour one of their existing businesses in Tooele.

266

267 Chairman Hopkinson was open to that invitation and asked staff to see who would be interested. He  
268 looks forward to reviewing the language and development options that will be presented to them before  
269 the 23<sup>rd</sup>.

270

271 Mr. Huffman invited both the Commission and Wholesome Co. representatives to share any language  
272 with him that they would like to see as part of the agreement.

273

274

275

276 **5. Staff Report**

277 **Cathy Brightwell:**

- 278 • The County has made zoning changes that impact residents on the west side of the city which has
- 279 led to a few residents expressing interest in annexation. Loveland Nursery may be interested in
- 280 annexing into the city if they can work out issues related to maintaining their current nursery
- 281 business. There is also a resident on 1450 West, who previously opposed annexation, that may be
- 282 interested but will contact neighbors first to see if they would be willing to join in. Chairman
- 283 Hopkinson would prefer to bring them all in at the same time so we do not have to deal with
- 284 annexation multiple times.

285 **Duane Huffman:**

- 286 • Reported that the city has advertised for the vacant City Engineer/Land Use Administrator
- 287 position. So far, they have received 4 applications with more expected before the final review
- 288 next week.

289

290 **6. Consider Meeting Minutes from May 26, 2020 meeting.**

291 **Action Taken:**

292 ***Mike Cottle moved to approve of the minutes of the May 26, 2020 meeting as presented. Alan Malan***

293 ***seconded the motion and voting was unanimous in favor.***

294

295 **7. Adjourn.**

296 **Action Taken:**

297 ***Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:40 pm.***

298 ***Corey Sweat seconded the motion. Voting was unanimous in favor.***

299 .....

300 *The foregoing was approved by the West Bountiful City Planning Commission on June 23, 2020, by*

301 *unanimous vote of all members present.*

302 \_\_\_\_\_

303 *Cathy Brightwell – City Recorder*

304